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

10  
11 In the Matter of ) FPPC No. 16/137  
12 )  
13 GIL NAVARRO LEGAL DEFENSE ) DEFAULT DECISION AND ORDER  
14 FUND, NAVARRO FOR 47TH )  
15 ASSEMBLY 2014, AND GILBERT )  
"GIL" NAVARRO, ) (Government Code Sections 11506 and 11520)  
16 Respondents. )

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

21 Pursuant to the California Administrative Procedure Act,<sup>1</sup> Respondents Gilbert "Gil" Navarro  
22 ("Navarro"), Gil Navarro Legal Defense Fund ("Defense Committee"), and Navarro for 47<sup>th</sup> Assembly  
23 2014 ("Assembly Committee") have been served with all of the documents necessary to conduct an  
24 administrative hearing regarding the above-captioned matter, including the following:

- 25 1. An Order Finding Probable Cause;  
26 2. An Accusation;

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

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

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

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

Dated: 2/21/19



Galena West, Chief of Enforcement  
Fair Political Practices Commission

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**ORDER**

The Commission issues this Default Decision and Order and imposes an administrative penalty of \$36,500 upon Navarro, the Defense Committee, and the Assembly Committee, 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 Gilbert “Gil” Navarro (“Navarro”) formerly served as a member of the San Bernardino County Board of Education from 2006 to 2013. Navarro was elected to the San Bernardino Valley Municipal Water District Board of Directors on November 6, 2012, and was reelected on November 8, 2016. Respondent Gil Navarro Legal Defense Fund (“Defense Committee”) is Navarro’s recipient committee to defend against his removal from the San Bernardino County Board of Education. Navarro was an unsuccessful candidate for the California State Assembly, 47<sup>th</sup> District, in the November 4, 2014 election. Respondent Navarro for 47<sup>th</sup> Assembly 2014 (“Assembly Committee”) is his candidate-controlled committee for the Assembly campaign. Navarro is a treasurer of both the Defense Committee and Assembly Committee.

The Political Reform Act (the “Act”)<sup>1</sup> requires committees to file pre-election and semi-annual campaign statements for certain reporting periods and by certain deadlines. The Act requires a local candidate or elected officer who opens a legal defense bank account to establish a controlled committee related to the legal defense fund. Once the legal dispute is resolved, the candidate or elected officer must timely dispose of any remaining funds and terminate the legal defense committee.

This matter arose out of referrals sent to the Fair Political Practices Commission’s (“Commission”) Enforcement Division by the SOS. The SOS referred the Defense Committee for its non-payment of annual fees and the Assembly Committee for its failure to timely file campaign statements.

The Defense Committee and Navarro had a duty to dispose of any remaining funds and terminate the legal defense committee within 90 days after the legal dispute was resolved. The Defense Committee and Navarro failed to timely file two semi-annual campaign statements; failed to timely dispose of any remaining funds in the legal defense bank account; and failed to terminate the Defense Committee within 90 days after the legal dispute was resolved.

The Assembly Committee and Navarro had a duty to file pre-election and semi-annual campaign statements with the SOS. The Assembly Committee and Navarro failed to timely file two pre-election campaign statements and failed to timely file four semi-annual campaign statements.

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<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission (“Commission”) are contained in sections 18110 through 18997 of title 2 of the California Code of Regulations. All regulatory references are to that title unless otherwise indicated.



## **DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT**

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

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 that 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 uncertain that the respondent cannot identify the transaction or prepare a defense, (4) admit the accusation in whole or in part, or (5) present new matter by way of a defense, or (6) object to the accusation on the ground that, under the circumstances, compliance with a Commission regulation would result in a material violation of another department's regulation affecting substantive rights.<sup>5</sup>

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

### **PROCEDURAL REQUIREMENTS AND HISTORY**

#### **A. Initiation of the Administrative Action**

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

A finding of probable cause may not be made by the Commission unless the person alleged to have violated the Act is 1) notified of the violation by service of process or registered mail with return receipt requested; 2) provided with a summary of the evidence; and 3) informed of his or her right to be present in person and represented by counsel at any proceeding of the Commission held for the purpose of considering whether probable cause exists for believing the person violated

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<sup>2</sup> Section 83116.

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

<sup>4</sup> Section 11503.

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

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

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

the Act.<sup>9</sup> The required notice to the alleged violator is deemed made on the date of service; the date the registered mail receipt is signed; or if the registered mail receipt is not signed, the date returned by the post office.<sup>10</sup>

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

Documents supporting the procedural history are included in the attached Certification of Records (“Certification”) filed herewith at Exhibit 1, A-1 through A-16, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Navarro, the Defense Committee, and the Assembly Committee in this matter by serving them with a Report in Support of a Finding of Probable Cause (the “Report”) (Certification, Exhibit A-1) by certified mail, return receipt requested,<sup>12</sup> on December 27, 2016. (Certification, Exhibit A-2.) The administrative action commenced on December 27, 2016, the date Navarro signed the certified mail receipt, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on Navarro, the Defense Committee, and the Assembly Committee contained a cover letter and a memorandum describing probable cause proceedings, advising that Navarro, the Defense Committee, and the Assembly Committee 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.) Navarro, the Defense Committee, and the Assembly Committee neither requested a probable cause conference nor submitted a written response to the Report.

**B. Ex Parte Request for a Finding of Probable Cause**

Because Navarro, the Defense Committee, and the Assembly Committee failed to request a probable cause conference or submit a written response to the Report by the statutory deadline, the Enforcement Division submitted an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served to the Hearing Officer of the Commission on February 22, 2017. (Certification, Exhibit A-4.)

On February 27, 2017, Hearing Officer Jack Woodside, Attorney IV, Legal Division, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Navarro, the Defense Committee, and the Assembly Committee. (Certification, Exhibit A-5.)

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<sup>9</sup> Section 83115.5.

<sup>10</sup> Section 83115.5.

<sup>11</sup> Section 91000.5.

<sup>12</sup> Section 83115.5.

**C. The Issuance and Service of the Accusation**

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

Section 11503 states:

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

Upon the filing of the accusation, the agency must 1) serve a copy thereof on the respondent as provided in Section 11505, subdivision (c); 2) include a post card or other form entitled Notice of Defense that, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506; 3) include (i) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and that failure to do so will constitute a waiver of the respondent's right to a hearing, and (ii) copies of Sections 11507.5, 11507.6, and 11507.7.<sup>14</sup> The APA also sets forth the language required in the accompanying statement to the respondent.<sup>15</sup>

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

On March 9, 2017, the Commission's Chief of Enforcement, Galena West, issued an Accusation against Navarro, the Defense Committee, and the Assembly Committee in this matter. (Certification, Exhibit A-6.) In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form for each respondent, copies of Government Code Sections 11506, 11507.5, 11507.6, and 11507.7, were

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

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

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

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

personally served upon Navarro, the Defense Committee, and the Assembly Committee on March 21, 2017. (Certification, Exhibit A-7.)

Along with the Accusation, the Enforcement Division served Navarro, the Defense Committee, and the Assembly Committee with a “Statement to Respondent,” which notified them that they could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, they would be deemed to have waived the right to a hearing. (Certification, Exhibit A-8.) Navarro, the Defense Committee, and the Assembly Committee did not file a Notice of Defense within the statutory time period, which ended on April 5, 2017.

As a result, on February 22, 2018, the Enforcement Division sent a letter to Navarro, the Defense Committee, and the Assembly Committee advising that this matter would be submitted for a Default Decision and Order at the Commission’s public meeting scheduled for March 22, 2018. (Certification, Exhibit A-16) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

### SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. The violations in this case occurred between 2013 and 2016. For this reason, all legal references and discussions of law pertain to the Act’s provisions as they existed at that time.

An express purpose of the Act is to ensure voters are fully informed and improper practices are inhibited by requiring all candidates, as well as the committees that support or oppose them, to disclose all contributions and expenditures made throughout a campaign.<sup>17</sup> In furtherance of this purpose, the Act requires candidate-controlled committees to file campaign statements at specific times, disclosing information regarding contributions received and expenditures made.<sup>18</sup>

Controlled committees must file semi-annual campaign statements each year no later than July 31 for the reporting period ending on June 30, and no later than January 31 of the following year for the reporting period ending on December 31.<sup>19</sup> When a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.<sup>20</sup>

Controlled committees also must file two pre-election campaign statements before the election in which the candidate is listed on the ballot. In 2014, for the general election, controlled committees were required to file a first pre-election campaign statement for the period ending September 30 no later than October 5.<sup>21</sup> Committees were also required to file a second pre-election campaign statement for the period ending 17 days before the election no later than 12 days before the election.<sup>22</sup>

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

<sup>18</sup> Sections 84200 through 84225.

<sup>19</sup> Section 84200, subd. (a).

<sup>20</sup> Regulation 18116.

<sup>21</sup> Former Section 84200.7, subd. (b)(1).

<sup>22</sup> Former Section 84200.7, subd. (b)(2).



As for legal defense funds, the Act allows a local candidate or elected officer to establish a separate bank account to defray attorney's fees and other related legal costs for one or more civil, criminal or administrative proceedings arising directly out of one's candidacy or incumbency.<sup>23</sup> The candidate must establish a separate controlled committee for the legal defense bank account.<sup>24</sup> Once the relevant legal dispute is resolved, any remaining funds must be used to pay outstanding debts or repay contributions; to donate to a charitable organization; or to contribute to a political party committee, a candidate for federal office or for elective office in a state other than California, or a ballot measure.<sup>25</sup> A legal defense committee must be terminated within 90 days of the date the last legal dispute for which the committee is established has been resolved.<sup>26</sup>

## SUMMARY OF THE EVIDENCE

### Defense Committee

Navarro was elected to the San Bernardino County Board of Education on November 7, 2006, and reelected on November 2, 2010. Then, on November 6, 2012, Navarro was elected to the San Bernardino Valley Municipal Water District Board of Directors. On December 7, 2012, the San Bernardino County Counsel determined Navarro's two offices were incompatible and that Navarro would need to resign from one position.

Navarro established the Defense Committee to fund his legal expenses associated with the alleged incompatibility of his offices. The Defense Committee qualified as a recipient committee on or about June 18, 2013.

On July 8, 2013, the San Bernardino County Board of Education voted to move forward with removing Navarro from office. A court order removed Navarro from the San Bernardino County Board of Education as of December 4, 2013. Navarro did not appeal his removal, and the legal dispute ended. However, after Navarro's legal costs were paid, the legal defense fund account and the Defense Committee remained open.

On a semi-annual campaign statement for the reporting period of January 1, 2013 through June 30, 2013, the Defense Committee reported contributions totaling \$2,968.00; expenditures totaling \$1,379.13; and an ending cash balance of \$1,588.87. (Certification, Exhibit A-9.) The Defense Committee and Navarro did not file any subsequent campaign statements or terminate the Defense Committee.

The Enforcement Division is authorized to charge the Defense Committee and Navarro for every failure to timely file a semi-annual campaign statement as long as the Defense Committee remains open. However, in the interest of fairness, the Enforcement Division will charge the Defense Committee and Navarro only for semi-annual campaign statements that were due up to the 90 days after the resolution of Navarro's legal dispute. Thus, for the purposes of

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<sup>23</sup> Section 85304.5, subd. (a), and Regulation 18530.45, subd. (c).

<sup>24</sup> Regulation 18530.45, subd. (c).

<sup>25</sup> Sections 85304.5, subd. (c), and 89519, subd. (b).

<sup>26</sup> Regulation 18530.45, subd. (k).

this Default Decision and Order, the Defense Committee and Navarro failed to timely file two semi-annual campaign statements for the reporting periods of July 1, 2013 through December 31, 2013, and January 1, 2014 through June 30, 2014.

The SOS notified the Defense Committee and Navarro of their obligation to pay the annual fee and sent them four notices of their failure to pay the delinquent annual fees and penalties. (Certification, Exhibit A-10.) The Defense Committee and Navarro did not pay the required fees or penalties, and the SOS referred the matter to the Enforcement Division.

On September 2, 2016, the Enforcement Division contacted Navarro by telephone regarding the required campaign statements and annual fee payments. Navarro declared he would terminate the Defense Committee. On September 6, 2016, the Enforcement Division left a voicemail for Navarro.

The Enforcement Division emailed Navarro five times between September 7, 2016, and June 7, 2017, regarding the required termination statements. (Certification, Exhibit 11.) On September 15, 2016, and August 31, 2017, the Enforcement Division left voicemails for Navarro.

On September 21, 2016; September 27, 2016; January 31, 2017; and June 7, 2017, Navarro again declared he would terminate the Defense Committee or file the outstanding campaign statements. (Certification, Exhibit A-11.)

As of February 22, 2018, the Defense Committee and Navarro failed to timely file semi-annual campaign statements for the reporting periods between July 1, 2013 and June 30, 2014. Also, as of February 22, 2018, the Defense Committee has not been terminated. The Defense Committee and Navarro initiated termination of the Defense Committee on January 11, 2018 by completing and filing the termination section on the Form 410, Statement of Organization, but they did not complete the process.

#### Assembly Committee

The Assembly Committee qualified as a recipient committee on or about April 18, 2014. Navarro won the Assembly primary election on June 3, 2014, and appeared on the general election ballot. However, Navarro was not elected to the Assembly on November 4, 2014.

The Assembly Committee and Navarro timely filed pre-election and semi-annual campaign statements for the reporting periods of January 1, 2014 through June 30, 2014. On the last filed campaign statement for the reporting period of May 18, 2014 through June 30, 2014, the Assembly Committee reported contributions up to the primary election totaling \$3,142.28; expenditures up to the primary election totaling \$2,945.16; and an ending cash balance of \$197.12. (Certification, Exhibit A-12.) The Assembly Committee and Navarro did not file any subsequent campaign statements despite being on the ballot in the general election.

Thus, the Assembly Committee and Navarro failed to timely file two pre-election campaign statements for the reporting periods of July 1, 2014 through September 30, 2014, and October 1, 2014 through October 18, 2014. Furthermore, the Assembly Committee and Navarro

failed to timely file semi-annual campaign statements for the reporting periods of October 19, 2014 through December 31, 2014; January 1, 2015 through June 30, 2015; July 1, 2015 through December 31, 2015; and January 1, 2016 through June 30, 2016.

On March 9, 2015 and April 17, 2015, the SOS sent the Assembly Committee and Navarro written notifications regarding the failure to timely file the pre-election campaign statement due October 6, 2014. (Certification, Exhibit A-13.) The Assembly Committee and Navarro did not file the required campaign statement, and the SOS referred the matter to the Enforcement Division. (Certification, Exhibit A-14.)

The SOS sent the Assembly Committee and Navarro two notices of their failure to pay the delinquent annual fee and penalty. (Certification, Exhibit A-15.) The Assembly Committee and Navarro did not pay the required fee or penalty, and the SOS referred the matter to the Enforcement Division.

On January 31, 2017; June 7, 2017; and January 4, 2018, Navarro declared he would file the required campaign statements.

As of February 22, 2018, the Assembly Committee and Navarro failed to timely file two pre-election campaign statements and four semi-annual campaign statements for the reporting periods between July 1, 2014 and June 30, 2016. Also, as of February 22, 2018, the Assembly Committee has not been terminated. The Assembly Committee and Navarro initiated termination of the Defense Committee on January 11, 2018 by completing and filing the termination section on the Form 410, Statement of Organization, but they did not complete the process.

### Summary of Contacts

Overall, Navarro, the Defense Committee, and the Assembly Committee, were contacted twenty-three times regarding their campaign statements and annual fees, as follows:

- May 9, 2013: letter from the SOS to the Defense Committee
- December 2, 2013: letter from the SOS to the Defense Committee
- December 4, 2013: letter from the SOS to the Defense Committee
- November 20, 2015: letters from the SOS to the Defense Committee and the Assembly Committee
- June 10, 2016: letters from the SOS to the Defense Committee and the Assembly Committee
- March 9, 2015: letter from the SOS to the Assembly Committee
- April 17, 2015: letter from the SOS to the Assembly Committee
- September 2, 2016: phone call from the Enforcement Division
- September 6, 2016: voicemail from the Enforcement Division
- September 7, 2016: email from the Enforcement Division
- September 14, 2016: email from the Enforcement Division
- September 15, 2016: voicemail from the Enforcement Division
- September 21, 2016: email from the Enforcement Division
- November 16, 2016: email from the Enforcement Division



- December 27, 2016: Report in Support of Probable Cause served on Navarro, the Defense Committee, and the Assembly Committee
- February 22, 2017: copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed to Navarro, the Defense Committee, and the Assembly Committee
- March 21, 2017: Accusation served upon Navarro, the Defense Committee, and the Assembly Committee
- June 7, 2017: email from the Enforcement Division
- August 31, 2017: voicemail from the Enforcement Division
- January 4, 2018: email from the Enforcement Division
- January 6, 2018: Default Decision and Order delivered to Navarro, the Defense Committee, and the Assembly Committee
- January 25, 2018: email from the Enforcement Division
- January 26, 2018: voicemail from the Enforcement Division

## VIOLATIONS

Navarro and the Defense Committee committed three violations of the Act, as follows:

### COUNT 1

#### **Failure to Timely File a Semi-Annual Statement by January 31, 2014**

The Defense Committee and Navarro had a duty to file a semi-annual campaign statement for the period of July 1, 2013 through December 31, 2013 by January 31, 2014. By failing to timely file this statement, the Defense Committee and Navarro violated Government Code Section 84200.

### COUNT 2

#### **Failure to Timely File a Semi-Annual Statement by July 31, 2014**

The Defense Committee and Navarro had a duty to file a semi-annual campaign statement for the period of January 1, 2014 through June 30, 2014 by July 31, 2014. By failing to timely file this statement, the Defense Committee and Navarro violated Government Code Section 84200.

### COUNT 3

#### **Failure to Timely Terminate a Legal Defense Fund**

The Defense Committee and Navarro had a duty to terminate the Defense Committee within 90 days after the legal dispute, for which the Defense Committee was established, was resolved. By failing to timely terminate the Defense Committee, the Defense Committee and Navarro violated Government Code Section 85304.5 and Regulation 18530.45, subdivision (k).

Navarro and the Assembly Committee committed six violations of the Act, as follows:

COUNT 4

**Failure to Timely File a Pre-Election Statement by October 6, 2014**

The Assembly Committee and Navarro had a duty to file a pre-election campaign statement for the period of July 1, 2014 through September 30, 2014 by October 6, 2014. By failing to timely file this statement, the Assembly Committee and Navarro violated Government Code Section 84200.7, subdivision (b).

COUNT 5

**Failure to Timely File a Pre-Election Statement by October 23, 2014**

The Assembly Committee and Navarro had a duty to file a pre-election campaign statement for the period of October 1, 2014 through October 18, 2014 by October 23, 2014. By failing to timely file this statement, the Assembly Committee and Navarro violated Government Code Section 84200.7, subdivision (b).

COUNT 6

**Failure to Timely File a Semi-Annual Statement by February 2, 2015**

The Assembly Committee and Navarro had a duty to file a semi-annual campaign statement for the period of October 19, 2014 through December 31, 2014 by February 2, 2015. By failing to timely file this statement, the Assembly Committee and Navarro violated Government Code Section 84200.

COUNT 7

**Failure to Timely File a Semi-Annual Statement by July 31, 2015**

The Assembly Committee and Navarro had a duty to file a semi-annual campaign statement for the period of January 1, 2015 through June 30, 2015 by July 31, 2015. By failing to timely file this statement, the Assembly Committee and Navarro violated Government Code Section 84200.

COUNT 8

**Failure to Timely File a Semi-Annual Statement by February 1, 2016**

The Assembly Committee and Navarro had a duty to file a semi-annual campaign statement for the period of July 1, 2015 through December 31, 2015 by February 1, 2016. By failing to timely file this statement, the Assembly Committee and Navarro violated Government Code Section 84200.

COUNT 9

**Failure to Timely File a Semi-Annual Statement by August 1, 2016**

The Assembly Committee and Navarro had a duty to file a semi-annual campaign statement for the period of January 1, 2016 through June 30, 2016 by August 1, 2016. By failing to timely file this statement, the Assembly Committee and Navarro violated Government Code Section 84200.

**CONCLUSION**

This matter consists of 9 counts of violating the Act, which carry a maximum administrative penalty total of \$45,000.<sup>27</sup>

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

In this matter, Navarro, the Defense Committee, and the Assembly Committee failed to timely file campaign statements. Additionally, the Defense Committee and Navarro failed to timely terminate the Defense Committee.

The failure to comply with these obligations denied the public information about the activity of the Defense Committee and the Assembly Committee and the disposition of their cash balance. Navarro, the Defense Committee, and the Assembly Committee are well aware of their obligation to file campaign statements, as they have been contacted approximately twenty-three times regarding this matter.

Navarro, the Defense Committee, and the Assembly Committee have no prior history of violating the Act. Navarro was an unsuccessful candidate for the California State Assembly in 2014. However, he remains a member of the San Bernardino Valley Municipal Water District Board of Directors. His current term expires in 2020.

The Commission also considers previous cases that were approved by the Commission in determining penalties. In this matter, the following cases were used as guidelines:

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<sup>27</sup> Section 83116, subd. (c).

### Counts 1-2 and 6-9

- *In the Matter of Committee to Elect Marina Fraser, Marina Fraser, and Jackie M. Buckley*, FPPC No. 16/140. (The Commission approved a default decision on April 20, 2017.) The respondents, among other violations, failed to timely file eight semi-annual campaign statements. The Commission imposed a penalty of \$4,000 per count for the unfiled campaign statements. Like Navarro, Fraser remained in elected office and did not file the delinquent campaign statements, resulting in no disclosure.

### Count 3

- *In the Matter of Maxine Sherard, Sherard for Assembly 2006, and Sherard for Assembly 2008*, FPPC No. 10/26. (The Commission approved a default decision on October 13, 2011.) Respondent Sherard lost in the General Election held on November 7, 2006, so respondents were required to file a termination statement of organization for the candidate-controlled committee no later than November 7, 2008. Respondent Sherard lost in the Primary Election held on June 3, 2008, so respondents were required to file a termination statement of organization for that candidate-controlled committee no later than June 3, 2010. Respondents failed to file a termination statement of organization for both occasions. The Commission imposed a penalty of \$2,500 per count for failure to file a terminating statement of organization. The Commission, in recent history, had not been presented with a case in which a legal defense fund had not terminated within 90 days after the relevant legal dispute resolved. However, the failure to file a terminating statement of organization is similar to a failure to terminate a legal defense fund.

### Counts 4-5

- *In the Matter of Michael Rogers and Mike Rogers for Supervisor*, FPPC No. 13/280. (The Commission approved a default decision on January 12, 2016.) The respondents failed to timely file one pre-election campaign statement. Like Navarro, Rodger's controlled committee never filed the pre-election statement. The Commission imposed a penalty of \$5,000 even though Rogers lost the election.

### **PROPOSED PENALTY**

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, penalties of \$4,000 each for Counts 1-2 and 6-9; \$2,500 for Count 3; and \$5,000 for Counts 4-5 are recommended, for a total penalty of \$36,500.



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

**CERTIFICATION OF RECORDS**

The undersigned declares and certifies as follows:

1. I am employed as a Staff Services Analyst by the California Fair Political Practices Commission (Commission). My business address is: California Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811.
2. I am a duly authorized custodian of the records maintained by the Commission in the Enforcement Division. As such, I am authorized to certify copies of those records as being true and correct copies of the original business records which are in the custody of the Commission.
3. I have reviewed documents maintained in *FPPC Case No. 16/137; Gil Navarro Legal Defense Fund, Navarro for 47<sup>th</sup> Assembly 2014, and Gilbert "Gil" Navarro*, 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 December 12, 2016

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated December 12, 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 December 12, 2016

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated February 22, 2017

EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated February 27, 2017, and Proof of Service, dated March 3, 2017



- EXHIBIT A-6: Accusation, dated March 9, 2017
- EXHIBIT A-7: Proof of Service on March 21, 2017, for Accusation and accompanying documents from process server
- EXHIBIT A-8: Statement to Respondents, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated March 9, 2017
- EXHIBIT A-9: Semi-annual campaign statement for Gil Navarro Legal Defense Fund for the reporting period of January 1, 2013 through June 30, 2013, filed on November 22, 2013
- EXHIBIT A-10: Letters from the Secretary of State to Gil Navarro Legal Defense Fund regarding annual fees, dated May 9, 2013, December 2, 2013, December 4, 2013, November 20, 2015, and June 10, 2016
- EXHIBIT A-11: Emails between the Enforcement Division staff and Navarro, dated between September 7, 2016, and January 25, 2018
- EXHIBIT A-12: Semi-annual campaign statement for Navarro for 47<sup>th</sup> Assembly 2014 for the reporting period of May 18, 2014 through June 30, 2014, filed on July 29, 2014
- EXHIBIT A-13: Letters from the Secretary of State to Navarro for 47<sup>th</sup> Assembly 2014 regarding a pre-election campaign statement due October 6, 2014, dated March 9, 2015, and April 17, 2015
- EXHIBIT A-14: Non-filer referral from the Secretary of State referring Navarro for 47<sup>th</sup> Assembly 2014 as a campaign statement non-filer, stamped received on March 10, 2016
- EXHIBIT A-15: Letters from the Secretary of State to Navarro for 47<sup>th</sup> Assembly 2014 regarding annual fees, dated November 20, 2015, and June 10, 2016
- EXHIBIT A-16: Notice of Intent to Enter into Default Decision and Order, dated February 22, 2018

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 22, 2018, at Sacramento, California.




---

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

**Exhibit A-1**



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

6 Attorneys for Complainant  
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. 16/137

) **REPORT IN SUPPORT OF A FINDING OF  
PROBABLE CAUSE**

12  
13 GIL NAVARRO LEGAL DEFENSE  
FUND, NAVARRO FOR 47TH  
14 ASSEMBLY 2014, AND GILBERT  
"GIL" NAVARRO,

) Conference Date: TBA

) Conference Time: TBA

) Conference Location: Commission Offices

428 J Street, Suite 620

Sacramento, CA 95814

15  
16 Respondents.

17  
18 **INTRODUCTION**

19 Respondent Gilbert "Gil" Navarro ("Navarro") is currently a member of the San Bernardino  
20 Valley Municipal Water District Board of Directors. He is also a former member of the San Bernardino  
21 County Board of Education and a past candidate for California State Assembly. Gil Navarro Legal  
22 Defense Fund ("Defense Committee") is Navarro's recipient committee to defend against his removal  
23 from the San Bernardino County Board of Education. Respondent Navarro for 47th Assembly 2014  
24 ("Assembly Committee") is his candidate-controlled committee for his Assembly campaign. Navarro is  
25 treasurer of both committees.

26 ///

1 The Political Reform Act (the “Act”)<sup>1</sup> requires candidates and committees to file pre-election  
2 statements and semi-annual campaign statements. Each committee required to file a statement of  
3 organization must pay the Secretary of State (“SOS”) an annual \$50 fee by January 15 every year until  
4 the termination of the committee. The Act allows a local elected officer to open a legal defense fund, but  
5 once the legal dispute is resolved, the officer must dispose of any remaining funds.

6 The Defense Committee and Navarro failed to file six semi-annual statements; failed to timely  
7 pay the annual fees for 2013, 2014, and 2016; and failed to terminate the legal defense fund when the  
8 legal dispute was resolved. The Assembly Committee and Navarro failed to file two pre-election  
9 statements and four semi-annual statements, and failed to timely pay the 2016 annual fee.

## 10 SUMMARY OF THE LAW

11 All legal references and discussions of law pertain to the Act’s provisions as they existed in 2013–  
12 2016.

### 13 Jurisdiction

14 The Fair Political Practices Commission (the “Commission”) has administrative jurisdiction to  
15 enforce the provisions of the Act.<sup>2</sup>

### 16 Probable Cause Proceedings

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

22 ///

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

25 <sup>2</sup> Section 83116.

26 <sup>3</sup> Section 83115.5, and Regulations 18361 and 18361.4.

27 <sup>4</sup> Section 11500, et seq.

28 <sup>5</sup> Section 83116 and Regulation 18361.4, subd. (e).

1 Standard for Finding Probable Cause

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

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

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

9 There are many purposes of the Act. Among these purposes are to ensure voters are fully informed  
10 and improper practices are inhibited by requiring all political candidates, as well as the committees that  
11 support or oppose them, to disclose all contributions and expenditures made throughout a campaign.<sup>9</sup>  
12 Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>10</sup>

13 Pre-Election Statements

14 The Act requires a candidate to file pre-election campaign statements at various times to disclose  
15 campaign contributions and expenditures.<sup>11</sup> For the general election in 2014, a candidate was required to  
16 file the first pre-election statement for the period ending September 30 no later than October 5 and the  
17 second pre-election statement for the period ending 17 days before the election no later than 12 days  
18 before the election.<sup>12</sup> The deadline is extended to or the next business day if the deadline falls on a  
19 weekend or holiday.<sup>13</sup>

20 ///

21 ///

---

23 <sup>6</sup> Section 18361.4, subd. (e).  
24 <sup>7</sup> Section 81001, subd. (h).  
25 <sup>8</sup> Section 81003.  
26 <sup>9</sup> Section 81002, subd. (a).  
27 <sup>10</sup> Section 81002, subd. (f).  
28 <sup>11</sup> Section 84200.5, subd. (b).  
<sup>12</sup> Section 84200.7, subd. (b).  
<sup>13</sup> Regulation 18116, subd. (a).

1 Semi-Annual Statements

2 The Act requires a committee to file semi-annual statements twice per year to disclose its  
3 campaign contributions and expenditures.<sup>14</sup> A committee must file a semi-annual statement by January  
4 31 for the period ending December 31 and by July 31 for the period ending June 30, or the next business  
5 day if the deadline falls on a weekend or holiday.<sup>15</sup>

6 Annual Fee

7 Each committee required to file a statement of organization must pay the SOS an annual \$50 fee  
8 by January 15 each year until the termination of the committee.<sup>16</sup> A committee that fails to timely pay the  
9 annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is required  
10 to enforce this provision of the Act.<sup>17</sup>

11 Legal Defense Funds

12 A candidate for local office or a local elected officer may establish a separate legal defense bank  
13 account and use contributions to the fund to defray attorney's fees and other legal costs.<sup>18</sup> The candidate  
14 must establish a controlled committee related to the legal defense fund.<sup>19</sup> Once the relevant legal dispute  
15 is resolved, any remaining funds must be used to pay outstanding debts or repay contributions; donated to  
16 a charitable organization; contributed to a political party, candidate for federal office or an office outside  
17 of California, or a ballot measure; or used to pay for professional services provided to the committee.<sup>20</sup>

18 Liability for Violations

19 Any person who violates any provision of the Act, who purposely or negligently causes any other  
20 person to violate any provision of the Act, or who aids and abets any other person in the violation  
21  
22

23  
24 <sup>14</sup> Section 84200.5, subd. (b).  
25 <sup>15</sup> Section 84200, subd. (a), and Regulation 18116, subd. (a).  
26 <sup>16</sup> Section 84101.5, subd. (c).  
27 <sup>17</sup> Section 84101.5, subd. (d).  
28 <sup>18</sup> Section 85304.5, subd. (a), and Regulation 18530.45, subd. (c).  
<sup>19</sup> Regulation 18530.45, subd. (c).  
<sup>20</sup> Sections 85304.5, subd. (c), and 89519, subd. (b).

1 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>21</sup> This only  
2 applies to persons who have filing or reporting obligations under the Act, or who are compensated for  
3 services involving the planning, organizing or directing of any activity regulated or required by the Act.<sup>22</sup>

#### 4 SUMMARY OF THE EVIDENCE

##### 5 Defense Committee

6 Navarro was elected to the San Bernardino County Board of Education on November 7, 2006 and  
7 was elected to the San Bernardino Valley Municipal Water District Board of Directors on November 6,  
8 2012. On December 7, 2012, the San Bernardino County Counsel determined Navarro's offices were  
9 incompatible and that Navarro would need to resign from one position.

10 The Defense Committee qualified as a recipient committee on or about June 18, 2013. The  
11 purpose of the Defense Committee was to fund Navarro's legal expenses associated with the alleged  
12 incompatibility of his offices. The San Bernardino County Board of Education voted to move forward  
13 with removing Navarro from office on July 8, 2013. Navarro was removed from the San Bernardino  
14 County Board of Education effective December 4, 2013. Navarro did not appeal his removal, and the  
15 legal dispute ended in 2014. The legal defense fund connected to the Defense Committee was not  
16 closed at the end of the legal dispute, after Navarro's legal costs were paid.

17 The Defense Committee and Navarro failed to file semi-annual statements for the periods of  
18 July 1, 2013 through December 31, 2013; January 1, 2014 through June 30, 2014; July 1, 2014 through  
19 December 31, 2014; January 1, 2015 through June 30, 2015; July 1, 2015 through December 31, 2015;  
20 and January 1, 2016 through June 30, 2016.

21 The Defense Committee and Navarro paid the 2015 annual fee to SOS on January 5, 2015.  
22 However, the Defense Committee and Navarro failed to timely pay the annual fees for 2013, 2014, and  
23 2016, and failed to pay a penalty of \$150 for failing to timely pay the annual fees for each of those  
24 years.

25  
26 <sup>21</sup> Sections 83116 and 83116.5.

<sup>22</sup> Section 83116.5.

1           SOS sent the Defense Committee and Navarro multiple notices of their failure to pay the  
2 delinquent annual fees and penalties. The Defense Committee and Navarro did not pay the fees or  
3 penalties, so SOS referred the matter to the Enforcement Division.

4           The Enforcement Division contacted the Defense Committee and Navarro seven times between  
5 September 2, 2016 and November 16, 2016 regarding their delinquent statements and annual fees, as  
6 well as termination of the Defense Committee. After this contact, the Defense Committee and Navarro  
7 failed to file the delinquent semi-annual statements or pay the delinquent annual fees and penalties. As  
8 of December 6, 2016, the Defense Committee has not been terminated.

9 **Assembly Committee**

10           The Assembly Committee qualified as a recipient committee on or about April 18, 2014. The  
11 Assembly Committee and Navarro timely filed pre-election and semi-annual campaign statements  
12 through June 30, 2014.

13           Navarro won the Assembly primary election on June 3, 2014, and appeared on the general  
14 election ballot on November 4, 2014. The Assembly Committee and Navarro failed to timely file two  
15 pre-election statements for the periods of July 1, 2014 through September 30, 2014 and October 1,  
16 2014 through October 18, 2014. Navarro was not elected to the Assembly on November 4, 2014.

17           The Assembly Committee and Navarro failed to timely file semi-annual statements for the  
18 periods of October 19, 2014 through December 31, 2014; January 1, 2015 through June 30, 2015; July  
19 1, 2015 through December 31, 2015; and January 1, 2016 through June 30, 2016.

20           The Assembly Committee and Navarro timely paid the annual fees for 2014 and 2015, but the  
21 Assembly Committee and Navarro failed to timely pay the annual fee for 2016, and failed to pay a  
22 penalty of \$150 for failing to timely pay the 2016 annual fee.

23           On March 9, 2015 and April 17, 2015, SOS sent the Assembly Committee and Navarro letters  
24 requesting that they file the pre-election statements. The Assembly Committee and Navarro did not file  
25 the statements, and SOS referred the matter to the Enforcement Division. As of December 6, 2016, the  
26



1 Assembly Committee and Navarro have not filed the outstanding statements, paid the annual fees and  
2 penalties, or terminated the Assembly Committee.

3 | **VIOLATIONS** |

4 **Defense Committee and Navarro**

5 Count 1: Failure to Timely File a Semi-Annual Statement

6 The Defense Committee and Navarro failed to timely file the semi-annual statement due January  
7 31, 2014, in violation of Section 84200.

8 Count 2: Failure to Timely File a Semi-Annual Statement

9 The Defense Committee and Navarro failed to timely file the semi-annual statement due July 31,  
10 2014, in violation of Section 84200.

11 Count 3: Failure to Timely File a Semi-Annual Statement

12 The Defense Committee and Navarro failed to timely file the semi-annual statement due  
13 February 2, 2015, in violation of Section 84200.

14 Count 4: Failure to Timely File a Semi-Annual Statement

15 The Defense Committee and Navarro failed to timely file the semi-annual statement due July 31,  
16 2015, in violation of Section 84200.

17 Count 5: Failure to Timely File a Semi-Annual Statement

18 The Defense Committee and Navarro failed to timely file the semi-annual statement due  
19 February 1, 2016, in violation of Section 84200.

20 Count 6: Failure to Timely File a Semi-Annual Statement

21 The Defense Committee and Navarro failed to timely file the semi-annual statement due August  
22 1, 2016, in violation of Section 84200.

23 Count 7: Failure to Timely Pay the 2013 Annual Fee and Penalty

24 The Defense Committee and Navarro failed to pay the 2013 annual fee by the February 15, 2013  
25 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of  
26 Section 84101.5, subdivisions (c) and (d).



1 Count 8: Failure to Timely Pay the 2014 Annual Fee and Penalty

2 The Defense Committee and Navarro failed to pay the 2014 annual fee by the January 15, 2014  
3 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of  
4 Section 84101.5, subdivisions (c) and (d).

5 Count 9: Failure to Timely Pay the 2016 Annual Fee and Penalty

6 The Defense Committee and Navarro failed to pay the 2016 annual fee by the January 15, 2016  
7 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of  
8 Section 84101.5, subdivisions (c) and (d).

9 Count 10: Failure to Terminate a Legal Defense Fund

10 The Defense Committee and Navarro failed to terminate the legal defense fund and Defense  
11 Committee once the relevant legal dispute was resolved, in violation of Section 85304.5.

12 **Assembly Committee and Navarro**

13 Count 11: Failure to Timely File a Pre-Election Statement

14 The Assembly Committee and Navarro failed to timely file the pre-election statement due October  
15 6, 2014, in violation of Section 84200.7, subdivision (b).

16 Count 12: Failure to Timely File a Pre-Election Statement

17 The Assembly Committee and Navarro failed to timely file the pre-election statement due October  
18 23, 2014, in violation of Section 84200.7, subdivision (b).

19 Count 13: Failure to Timely File a Semi-Annual Statement

20 The Assembly Committee and Navarro failed to timely file the semi-annual statement due  
21 February 2, 2015, in violation of Section 84200.

22 Count 14: Failure to Timely File a Semi-Annual Statement

23 The Assembly Committee and Navarro failed to timely file the semi-annual statement due July  
24 31, 2015, in violation of Section 84200.

25 ///

26 ///

1 Count 15: Failure to Timely File a Semi-Annual Statement

2 The Assembly Committee and Navarro failed to timely file the semi-annual statement due  
3 February 1, 2016, in violation of Section 84200.

4 Count 16: Failure to Timely File a Semi-Annual Statement

5 The Assembly Committee and Navarro failed to timely file the semi-annual statement due  
6 August 1, 2016, in violation of Section 84200.

7 Count 17: Failure to Timely Pay the 2016 Annual Fee and Penalty

8 The Assembly Committee and Navarro failed to pay the 2016 annual fee by the January 15, 2016  
9 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of  
10 Section 84101.5, subdivisions (c) and (d).

11 **OTHER RELEVANT MATERIAL**

12 Navarro remains a member of the San Bernardino Valley Municipal Water District Board of  
13 Directors. He was re-elected to that position on November 8, 2016 and timely filed a short form  
14 campaign statement prior to the election.

15 **EXCULPATORY AND MITIGATING INFORMATION**

16 Navarro was not elected to the Assembly on November 4, 2014.

17  
18  
19  
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21  
22  
23  
24 ///

25 ///

26 ///

1 **CONCLUSION**

2 Probable cause exists to believe that the Defense Committee and Navarro failed to file six semi-  
3 annual statements; failed to pay the annual fees and penalties for 2013, 2014, and 2016; and failed to  
4 terminate the legal defense fund when the legal dispute was resolved. Probable cause also exists to believe  
5 that the Assembly Committee and Navarro failed to file two pre-election statements and four semi-annual  
6 statements, and failed to timely pay the 2016 annual fee. The Enforcement Division respectfully requests  
7 an order finding probable cause pursuant to Section 83115.5 and Regulation 18361.4.

8  
9 Dated: 12-12-16

10  
11 Respectfully Submitted,

12 **FAIR POLITICAL PRACTICES COMMISSION**  
13 Galena West  
14 Enforcement Chief

15 Amanda Kelly  
16 By: Amanda Kelly  
17 Commission Counsel  
18 Enforcement Division

**Exhibit A-2**

**PROOF OF SERVICE**

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

1. Letter dated December 12, 2016 from Amanda Kelly;
2. FPPC No. 16/137 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

Gil Navarro  


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 12-12-16.

  
Amanda Kelly

**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:

Gil Navarro



9590 9402 1628 6053 9763 97

2. Article Number (Transfer from service label)

7016 0750 0000 7290 3733

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Gil Navarro*

- Agent
- Addressee

B. Received by (Printed Name)

*GIL NAVARRO*

C. Date of Delivery

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
- Mail Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

USPS TRACKING#



9590 9402 1628 6053 9763 97

United States Postal Service

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

Amanda Kelly  
Fair Political Practices Commission  
Enforcement Division  
428 J Street, Suite 620  
Sacramento, CA 95814

SEP 9 PM 2:40  
FAIR POLITICAL PRACTICES COMMISSION

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|--|----|-------|
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$ | _____ |
| <input type="checkbox"/> Return Receipt (electronic)         | \$ | _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ | _____ |
| <input type="checkbox"/> Adult Signature Required            | \$ | _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | _____ |

Postmark  
Here

Postage

\$

Total Postage and Fees

\$

7016 0750 0000 7290 3733

Gil Navarro





**Exhibit A-3**



FAIR POLITICAL PRACTICES COMMISSION

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

December 12, 2016

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Gil Navarro



**In the Matter of GIL NAVARRO LEGAL DEFENSE FUND, NAVARRO FOR 47TH ASSEMBLY 2014, AND GILBERT "GIL" NAVARRO; FPPC No. 16/137**

Dear Mr. Navarro:

The Enforcement Division of the Fair Political Practices Commission (the "Commission") is proceeding with an administrative action against you for your failure to comply with the filing and disclosure provisions of the Political Reform Act (the "Act"), as described in our previous correspondence dated September 7, 2016, September 14, 2016, and September 21, 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 Hearing Officer. In your response, please indicate whether you would like the Hearing Officer to make a determination of probable cause based on the written materials alone (the Report and your response) or request a conference, during which you may orally present your case to the Hearing Officer. Probable cause conferences are held in our office, which is located at 428 J Street, Ste. 620, Sacramento, CA 95814. You may appear at the conference in person or by telephone and you are entitled to be represented by counsel. *If you wish to submit a written response or request a probable cause conference, it must be filed with the Commission Assistant at the address listed above within 21 days from the date of service of this letter.* You can reach the Commission Assistant at (916) 327-8269.

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

Finally, you have the right to request discovery of the evidence in possession of, and relied upon by, the Enforcement Division. *This request must also be filed with the Commission Assistant*

*within 21 days from the date of service of this letter.* Should you request discovery, the Enforcement Division will provide the evidence by service of process or certified mail. From the date you are served with the evidence, you would have an additional 21 days to file a written response to the Report, just as described above.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Amanda Kelly".

Amanda Kelly  
Commission Counsel  
Enforcement Division

Enclosures

## PROBABLE CAUSE FACT SHEET

---

### INTRODUCTION

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

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

### THE LAW

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

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

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

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

### THE PROCEDURE

#### Probable Cause Report

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

## **Discovery**

Within 21 calendar days following the service of the probable cause report, you may request discovery of the evidence in the possession of the Enforcement Division. This is not a right to full discovery of the Enforcement Division file, but to the evidence relied upon by the Division along with any exculpatory or mitigating evidence<sup>1</sup>.

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

## **Response to Probable Cause Report**

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

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

## **Staff Reply**

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

## **Probable Cause Conference**

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

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

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

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

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

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



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

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

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

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

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

### **Continuances**

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

### **Settlements**

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

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

### **CONCLUSION**

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

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

## CALIFORNIA GOVERNMENT CODE

### Probable Cause Statutes

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#### **§ 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**

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**§ 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  
AMANDA KELLY  
Commission Counsel  
**FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
Sacramento, CA 95814  
Telephone: (916) 322-5660  
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of	) FPPC No. 16/137
	)
GIL NAVARRO LEGAL DEFENSE FUND, NAVARRO FOR 47TH ASSEMBLY 2014, AND GILBERT "GIL" NAVARRO,	) EX PARTE REQUEST FOR A FINDING OF PROBABLE CAUSE AND AN ORDER THAT AN ACCUSATION BE PREPARED AND SERVED
	)
Respondents.	) Gov. Code § 83115.5
	)

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

Pursuant to Section 83115.5 of the Political Reform Act (the "Act")<sup>1</sup> and Regulation 18361.4, respondents Gil Navarro Legal Defense Fund (the "Defense Committee"), Navarro for 47<sup>th</sup> Assembly 2014 (the "Assembly Committee"), and Gilbert "Gil" Navarro ("Navarro") were served with a copy of a report in support of a finding of probable cause ("Report") in the above-entitled matter.<sup>2</sup> The Report, attached as "Exhibit A," was part of a packet of materials, including a cover letter and a memorandum describing probable cause proceedings, which was sent to the Defense Committee, the Assembly Committee, and Navarro on December 12, 2016, by certified mail, with a return receipt requested, and received by the Defense Committee, the Assembly Committee, and Navarro on December 27, 2016. A copy of the return receipt is attached as "Exhibit B."

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

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

1 In the cover letter dated December 12, 2016, and the attached materials, the Defense Committee,  
2 the Assembly Committee, and Navarro were advised that they could respond in writing to the Report and  
3 orally present the case to the Hearing Officer at a probable cause conference to be held in Sacramento.  
4 The Defense Committee, the Assembly Committee, and Navarro were further advised that in order to have  
5 a probable cause conference, they needed to make a written request for one on or before 21 days of the  
6 date they received the Report. Additionally, the Defense Committee, the Assembly Committee, and  
7 Navarro were advised that if they did not request a probable cause conference, such a conference would  
8 not be held and probable cause would be determined based solely on the Report and any written response  
9 that they submitted within 21 days of the date they were served with the Report. To date, the Defense  
10 Committee, the Assembly Committee, and Navarro have not submitted a written response or requested a  
11 probable cause conference.

12 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by the  
13 Hearing Officer that probable cause exists to believe that the Defense Committee, the Assembly  
14 Committee, and Navarro committed 17 violations of the Act, stated as follows:

15  
16 Count 1: The Defense Committee and Navarro failed to timely file the semi-annual campaign  
17 statement due January 31, 2014, in violation of Section 84200.

18 Count 2: The Defense Committee and Navarro failed to timely file the semi-annual campaign  
19 statement due July 31, 2014, in violation of Section 84200.

20 Count 3: The Defense Committee and Navarro failed to timely file the semi-annual campaign  
21 statement due February 2, 2015, in violation of Section 84200.

22 Count 4: The Defense Committee and Navarro failed to timely file the semi-annual campaign  
23 statement due July 31, 2015, in violation of Section 84200.

24 Count 5: The Defense Committee and Navarro failed to timely file the semi-annual campaign  
25 statement due February 1, 2016, in violation of Section 84200.

26 Count 6: The Defense Committee and Navarro failed to timely file the semi-annual campaign  
27 statement due August 1, 2016, in violation of Section 84200.

28 Count 7: The Defense Committee and Navarro failed to pay the 2013 annual fee by the February  
29 15, 2013 due date and failed to pay a penalty of \$150 for failing to timely pay the annual  
30 fee, in violation of Section 84101.5, subdivisions (c) and (d).



- 1 Count 8: The Defense Committee and Navarro failed to pay the 2014 annual fee by the January 15,  
2 2014 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee,  
3 in violation of Section 84101.5, subdivisions (c) and (d).
- 4 Count 9: The Defense Committee and Navarro failed to pay the 2015 annual fee by the January 15,  
5 2015 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee,  
6 in violation of Section 84101.5, subdivisions (c) and (d).
- 7 Count 10: The Defense Committee and Navarro failed to pay the 2016 annual fee by the January 15,  
8 2016 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee,  
9 in violation of Section 84101.5, subdivisions (c) and (d).
- 10 Count 11: The Assembly Committee and Navarro failed to timely file the pre-election campaign  
11 statement due October 6, 2014, in violation of Section 84200.7, subdivision (b).
- 12 Count 12: The Assembly Committee and Navarro failed to timely file the pre-election campaign  
13 statement due October 23, 2014, in violation of Section 84200.7, subdivision (b).
- 14 Count 13: The Assembly Committee and Navarro failed to timely file the semi-annual campaign  
15 statement due February 2, 2015, in violation of Section 84200.
- 16 Count 14: The Assembly Committee and Navarro failed to timely file the semi-annual campaign  
17 statement due July 31, 2015, in violation of Section 84200.
- 18 Count 15: The Assembly Committee and Navarro failed to timely file the semi-annual campaign  
19 statement due February 1, 2016, in violation of Section 84200.
- 20 Count 16: The Assembly Committee and Navarro failed to timely file the semi-annual campaign  
21 statement due August 1, 2016, in violation of Section 84200.
- 22 Count 17: The Assembly Committee and Navarro failed to pay the 2016 annual fee by the January  
23 15, 2016 due date and failed to pay a penalty of \$150 for failing to timely pay the annual  
24 fee, in violation of Section 84101.5, subdivisions (c) and (d).

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Additionally, after finding probable cause exists, the Enforcement Division requests an order by the Hearing Officer that an accusation be prepared against the Defense Committee, the Assembly Committee, and Navarro and served upon them.<sup>3</sup>

A copy of this Request was mailed via U.S. Mail to the Defense Committee, the Assembly Committee, and Navarro on February 22, 2017, at the last known address, as follows:

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<sup>3</sup> Gov. Code § 11503.

1 Gil Navarro

2 Gil Navarro Legal Defense Fund and Navarro for 47<sup>th</sup> Assembly 2014



5 Dated: 2-22-17

Respectfully Submitted,

6 **FAIR POLITICAL PRACTICES COMMISSION**

7 Galena West  
8 Chief of Enforcement

9  
10 

11 By: Amanda Kelly  
12 Commission Counsel  
13 Enforcement Division

**EXHIBIT A**

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

6 Attorneys for Complainant  
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. 16/137
	)
	) <b>REPORT IN SUPPORT OF A FINDING OF</b>
	) <b>PROBABLE CAUSE</b>
12	)
13 GIL NAVARRO LEGAL DEFENSE	)
FUND, NAVARRO FOR 47TH	) Conference Date: TBA
14 ASSEMBLY 2014, AND GILBERT	) Conference Time: TBA
"GIL" NAVARRO,	) Conference Location: Commission Offices
15	) 428 J Street, Suite 620
	) Sacramento, CA 95814
16	)
17 Respondents.	)

18 **INTRODUCTION**

19 Respondent Gilbert "Gil" Navarro ("Navarro") is currently a member of the San Bernardino  
20 Valley Municipal Water District Board of Directors. He is also a former member of the San Bernardino  
21 County Board of Education and a past candidate for California State Assembly. Gil Navarro Legal  
22 Defense Fund ("Defense Committee") is Navarro's recipient committee to defend against his removal  
23 from the San Bernardino County Board of Education. Respondent Navarro for 47th Assembly 2014  
24 ("Assembly Committee") is his candidate-controlled committee for his Assembly campaign. Navarro is  
25 treasurer of both committees.

26 ///

1 The Political Reform Act (the "Act")<sup>1</sup> requires candidates and committees to file pre-election  
2 statements and semi-annual campaign statements. Each committee required to file a statement of  
3 organization must pay the Secretary of State ("SOS") an annual \$50 fee by January 15 every year until  
4 the termination of the committee. The Act allows a local elected officer to open a legal defense fund, but  
5 once the legal dispute is resolved, the officer must dispose of any remaining funds.

6 The Defense Committee and Navarro failed to file six semi-annual statements; failed to timely  
7 pay the annual fees for 2013, 2014, and 2016; and failed to terminate the legal defense fund when the  
8 legal dispute was resolved. The Assembly Committee and Navarro failed to file two pre-election  
9 statements and four semi-annual statements, and failed to timely pay the 2016 annual fee.

### 10 SUMMARY OF THE LAW

11 All legal references and discussions of law pertain to the Act's provisions as they existed in 2013–  
12 2016.

#### 13 Jurisdiction

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

#### 16 Probable Cause Proceedings

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

22 ///

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

25 <sup>2</sup> Section 83116.

26 <sup>3</sup> Section 83115.5, and Regulations 18361 and 18361.4.

27 <sup>4</sup> Section 11500, et seq.

28 <sup>5</sup> Section 83116 and Regulation 18361.4, subd. (e).

1 Standard for Finding Probable Cause

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

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

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

9 There are many purposes of the Act. Among these purposes are to ensure voters are fully informed  
10 and improper practices are inhibited by requiring all political candidates, as well as the committees that  
11 support or oppose them, to disclose all contributions and expenditures made throughout a campaign.<sup>9</sup>  
12 Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>10</sup>

13 Pre-Election Statements

14 The Act requires a candidate to file pre-election campaign statements at various times to disclose  
15 campaign contributions and expenditures.<sup>11</sup> For the general election in 2014, a candidate was required to  
16 file the first pre-election statement for the period ending September 30 no later than October 5 and the  
17 second pre-election statement for the period ending 17 days before the election no later than 12 days  
18 before the election.<sup>12</sup> The deadline is extended to or the next business day if the deadline falls on a  
19 weekend or holiday.<sup>13</sup>

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23 <sup>6</sup> Section 18361.4, subd. (e).  
24 <sup>7</sup> Section 81001, subd. (h).  
25 <sup>8</sup> Section 81003.  
26 <sup>9</sup> Section 81002, subd. (a).  
27 <sup>10</sup> Section 81002, subd. (f).  
28 <sup>11</sup> Section 84200.5, subd. (b).  
<sup>12</sup> Section 84200.7, subd. (b).  
<sup>13</sup> Regulation 18116, subd. (a).

1 Semi-Annual Statements

2 The Act requires a committee to file semi-annual statements twice per year to disclose its  
3 campaign contributions and expenditures.<sup>14</sup> A committee must file a semi-annual statement by January  
4 31 for the period ending December 31 and by July 31 for the period ending June 30, or the next business  
5 day if the deadline falls on a weekend or holiday.<sup>15</sup>

6 Annual Fee

7 Each committee required to file a statement of organization must pay the SOS an annual \$50 fee  
8 by January 15 each year until the termination of the committee.<sup>16</sup> A committee that fails to timely pay the  
9 annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is required  
10 to enforce this provision of the Act.<sup>17</sup>

11 Legal Defense Funds

12 A candidate for local office or a local elected officer may establish a separate legal defense bank  
13 account and use contributions to the fund to defray attorney’s fees and other legal costs.<sup>18</sup> The candidate  
14 must establish a controlled committee related to the legal defense fund.<sup>19</sup> Once the relevant legal dispute  
15 is resolved, any remaining funds must be used to pay outstanding debts or repay contributions; donated to  
16 a charitable organization; contributed to a political party, candidate for federal office or an office outside  
17 of California, or a ballot measure; or used to pay for professional services provided to the committee.<sup>20</sup>

18 Liability for Violations

19 Any person who violates any provision of the Act, who purposely or negligently causes any other  
20 person to violate any provision of the Act, or who aids and abets any other person in the violation  
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22

23  
24 <sup>14</sup> Section 84200.5, subd. (b).  
<sup>15</sup> Section 84200, subd. (a), and Regulation 18116, subd. (a).  
<sup>16</sup> Section 84101.5, subd. (c).  
<sup>17</sup> Section 84101.5, subd. (d).  
<sup>18</sup> Section 85304.5, subd. (a), and Regulation 18530.45, subd. (c).  
<sup>19</sup> Regulation 18530.45, subd. (c).  
<sup>20</sup> Sections 85304.5, subd. (c), and 89519, subd. (b).



1 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>21</sup> This only  
2 applies to persons who have filing or reporting obligations under the Act, or who are compensated for  
3 services involving the planning, organizing or directing of any activity regulated or required by the Act.<sup>22</sup>

#### 4 **SUMMARY OF THE EVIDENCE**

##### 5 **Defense Committee**

6 Navarro was elected to the San Bernardino County Board of Education on November 7, 2006 and  
7 was elected to the San Bernardino Valley Municipal Water District Board of Directors on November 6,  
8 2012. On December 7, 2012, the San Bernardino County Counsel determined Navarro's offices were  
9 incompatible and that Navarro would need to resign from one position.

10 The Defense Committee qualified as a recipient committee on or about June 18, 2013. The  
11 purpose of the Defense Committee was to fund Navarro's legal expenses associated with the alleged  
12 incompatibility of his offices. The San Bernardino County Board of Education voted to move forward  
13 with removing Navarro from office on July 8, 2013. Navarro was removed from the San Bernardino  
14 County Board of Education effective December 4, 2013. Navarro did not appeal his removal, and the  
15 legal dispute ended in 2014. The legal defense fund connected to the Defense Committee was not  
16 closed at the end of the legal dispute, after Navarro's legal costs were paid.

17 The Defense Committee and Navarro failed to file semi-annual statements for the periods of  
18 July 1, 2013 through December 31, 2013; January 1, 2014 through June 30, 2014; July 1, 2014 through  
19 December 31, 2014; January 1, 2015 through June 30, 2015; July 1, 2015 through December 31, 2015;  
20 and January 1, 2016 through June 30, 2016.

21 The Defense Committee and Navarro paid the 2015 annual fee to SOS on January 5, 2015.  
22 However, the Defense Committee and Navarro failed to timely pay the annual fees for 2013, 2014, and  
23 2016, and failed to pay a penalty of \$150 for failing to timely pay the annual fees for each of those  
24 years.

25  
26 <sup>21</sup> Sections 83116 and 83116.5.

<sup>22</sup> Section 83116.5.

1 SOS sent the Defense Committee and Navarro multiple notices of their failure to pay the  
2 delinquent annual fees and penalties. The Defense Committee and Navarro did not pay the fees or  
3 penalties, so SOS referred the matter to the Enforcement Division.

4 The Enforcement Division contacted the Defense Committee and Navarro seven times between  
5 September 2, 2016 and November 16, 2016 regarding their delinquent statements and annual fees, as  
6 well as termination of the Defense Committee. After this contact, the Defense Committee and Navarro  
7 failed to file the delinquent semi-annual statements or pay the delinquent annual fees and penalties. As  
8 of December 6, 2016, the Defense Committee has not been terminated.

9 **Assembly Committee**

10 The Assembly Committee qualified as a recipient committee on or about April 18, 2014. The  
11 Assembly Committee and Navarro timely filed pre-election and semi-annual campaign statements  
12 through June 30, 2014.

13 Navarro won the Assembly primary election on June 3, 2014, and appeared on the general  
14 election ballot on November 4, 2014. The Assembly Committee and Navarro failed to timely file two  
15 pre-election statements for the periods of July 1, 2014 through September 30, 2014 and October 1,  
16 2014 through October 18, 2014. Navarro was not elected to the Assembly on November 4, 2014.

17 The Assembly Committee and Navarro failed to timely file semi-annual statements for the  
18 periods of October 19, 2014 through December 31, 2014; January 1, 2015 through June 30, 2015; July  
19 1, 2015 through December 31, 2015; and January 1, 2016 through June 30, 2016.

20 The Assembly Committee and Navarro timely paid the annual fees for 2014 and 2015, but the  
21 Assembly Committee and Navarro failed to timely pay the annual fee for 2016, and failed to pay a  
22 penalty of \$150 for failing to timely pay the 2016 annual fee.

23 On March 9, 2015 and April 17, 2015, SOS sent the Assembly Committee and Navarro letters  
24 requesting that they file the pre-election statements. The Assembly Committee and Navarro did not file  
25 the statements, and SOS referred the matter to the Enforcement Division. As of December 6, 2016, the  
26

1 Assembly Committee and Navarro have not filed the outstanding statements, paid the annual fees and  
2 penalties, or terminated the Assembly Committee.

3 | **VIOLATIONS** |

4 **Defense Committee and Navarro**

5 Count 1: Failure to Timely File a Semi-Annual Statement

6 The Defense Committee and Navarro failed to timely file the semi-annual statement due January  
7 31, 2014, in violation of Section 84200.

8 Count 2: Failure to Timely File a Semi-Annual Statement

9 The Defense Committee and Navarro failed to timely file the semi-annual statement due July 31,  
10 2014, in violation of Section 84200.

11 Count 3: Failure to Timely File a Semi-Annual Statement

12 The Defense Committee and Navarro failed to timely file the semi-annual statement due  
13 February 2, 2015, in violation of Section 84200.

14 Count 4: Failure to Timely File a Semi-Annual Statement

15 The Defense Committee and Navarro failed to timely file the semi-annual statement due July 31,  
16 2015, in violation of Section 84200.

17 Count 5: Failure to Timely File a Semi-Annual Statement

18 The Defense Committee and Navarro failed to timely file the semi-annual statement due  
19 February 1, 2016, in violation of Section 84200.

20 Count 6: Failure to Timely File a Semi-Annual Statement

21 The Defense Committee and Navarro failed to timely file the semi-annual statement due August  
22 1, 2016, in violation of Section 84200.

23 Count 7: Failure to Timely Pay the 2013 Annual Fee and Penalty

24 The Defense Committee and Navarro failed to pay the 2013 annual fee by the February 15, 2013  
25 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of  
26 Section 84101.5, subdivisions (c) and (d).

1 Count 8: Failure to Timely Pay the 2014 Annual Fee and Penalty

2 The Defense Committee and Navarro failed to pay the 2014 annual fee by the January 15, 2014  
3 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of  
4 Section 84101.5, subdivisions (c) and (d).

5 Count 9: Failure to Timely Pay the 2016 Annual Fee and Penalty

6 The Defense Committee and Navarro failed to pay the 2016 annual fee by the January 15, 2016  
7 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of  
8 Section 84101.5, subdivisions (c) and (d).

9 Count 10: Failure to Terminate a Legal Defense Fund

10 The Defense Committee and Navarro failed to terminate the legal defense fund and Defense  
11 Committee once the relevant legal dispute was resolved, in violation of Section 85304.5.

12 **Assembly Committee and Navarro**

13 Count 11: Failure to Timely File a Pre-Election Statement

14 The Assembly Committee and Navarro failed to timely file the pre-election statement due October  
15 6, 2014, in violation of Section 84200.7, subdivision (b).

16 Count 12: Failure to Timely File a Pre-Election Statement

17 The Assembly Committee and Navarro failed to timely file the pre-election statement due October  
18 23, 2014, in violation of Section 84200.7, subdivision (b).

19 Count 13: Failure to Timely File a Semi-Annual Statement

20 The Assembly Committee and Navarro failed to timely file the semi-annual statement due  
21 February 2, 2015, in violation of Section 84200.

22 Count 14: Failure to Timely File a Semi-Annual Statement

23 The Assembly Committee and Navarro failed to timely file the semi-annual statement due July  
24 31, 2015, in violation of Section 84200.

25 ///

26 ///

1 Count 15: Failure to Timely File a Semi-Annual Statement

2 The Assembly Committee and Navarro failed to timely file the semi-annual statement due  
3 February 1, 2016, in violation of Section 84200.

4 Count 16: Failure to Timely File a Semi-Annual Statement

5 The Assembly Committee and Navarro failed to timely file the semi-annual statement due  
6 August 1, 2016, in violation of Section 84200.

7 Count 17: Failure to Timely Pay the 2016 Annual Fee and Penalty

8 The Assembly Committee and Navarro failed to pay the 2016 annual fee by the January 15, 2016  
9 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of  
10 Section 84101.5, subdivisions (c) and (d).

11 **OTHER RELEVANT MATERIAL**

12 Navarro remains a member of the San Bernardino Valley Municipal Water District Board of  
13 Directors. He was re-elected to that position on November 8, 2016 and timely filed a short form  
14 campaign statement prior to the election.

15 **EXCULPATORY AND MITIGATING INFORMATION**

16 Navarro was not elected to the Assembly on November 4, 2014.

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1 **CONCLUSION**

2 Probable cause exists to believe that the Defense Committee and Navarro failed to file six semi-  
3 annual statements; failed to pay the annual fees and penalties for 2013, 2014, and 2016; and failed to  
4 terminate the legal defense fund when the legal dispute was resolved. Probable cause also exists to believe  
5 that the Assembly Committee and Navarro failed to file two pre-election statements and four semi-annual  
6 statements, and failed to timely pay the 2016 annual fee. The Enforcement Division respectfully requests  
7 an order finding probable cause pursuant to Section 83115.5 and Regulation 18361.4.

8  
9 Dated: 12-12-16

10  
11 Respectfully Submitted,

12 **FAIR POLITICAL PRACTICES COMMISSION**  
13 Galena West  
14 Enforcement Chief

15 Amanda Kelly  
16 By: Amanda Kelly  
17 Commission Counsel  
18 Enforcement Division



**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:

Gil Navarro



9590 9402 1628 6053 9763 97

2. Article Number (Transfer from service label)

7016 0750 0000 7290 3733

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) *GIL NAVARRO* C. Date of Delivery

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
  - Registered Mail Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

**EXHIBIT B**

**Exhibit A-5**

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3 In the Matter of ) FPPC No. 16/137  
4 )  
5 )  
6 GIL NAVARRO LEGAL DEFENSE ) FINDING OF PROBABLE CAUSE AND AN  
7 FUND, NAVARRO FOR 47TH ) ORDER TO PREPARE AND SERVE AN  
8 ASSEMBLY 2014, AND GILBERT ) ACCUSATION  
9 "GIL" NAVARRO, )  
10 ) Gov. Code § 83115.5  
11 )  
12 Respondents. )

13 By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an  
14 Accusation Be Prepared and Served, dated February 22, 2017, the Enforcement Division submitted the  
15 above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the  
16 Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and  
17 Served ("Ex Parte Request"), the Enforcement Division served a Report in Support of a Finding of  
18 Probable Cause ("PC Report") on respondents Gil Navarro Legal Defense Fund (the "Defense  
19 Committee"), Navarro for 47<sup>th</sup> Assembly 2014 (the "Assembly Committee"), and Gilbert "Gil" Navarro  
20 ("Navarro") concerning this matter on December 27, 2016, by certified mail, return receipt requested.  
21 Accompanying the PC Report was a packet of materials that informed the Defense Committee, the  
22 Assembly Committee, and Navarro of their right to file a written response to the PC Report and to  
23 request a probable cause conference within 21 days following service of the PC Report. During the 21  
24 days that followed service of the PC Report, the Defense Committee, the Assembly Committee, and  
25 Navarro did not file a response to the PC Report or request a probable cause conference. Pursuant to  
26 California Code of Regulations title 2, section 18361.4, determination of probable cause may be made  
27 solely on papers submitted when the respondent does not request a probable cause conference.<sup>1</sup>  
28

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

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

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

8 The PC Report served on the Defense Committee, the Assembly Committee, and Navarro and  
9 the subsequent Ex Parte Request in this matter alleges 17 violations of the Political Reform Act were  
10 committed, as follows:

11  
12 Count 1: The Defense Committee and Navarro failed to timely file the semi-annual campaign  
13 statement due January 31, 2014, in violation of Section 84200.

14 Count 2: The Defense Committee and Navarro failed to timely file the semi-annual campaign  
15 statement due July 31, 2014, in violation of Section 84200.

16 Count 3: The Defense Committee and Navarro failed to timely file the semi-annual campaign  
17 statement due February 2, 2015, in violation of Section 84200.

18 Count 4: The Defense Committee and Navarro failed to timely file the semi-annual campaign  
19 statement due July 31, 2015, in violation of Section 84200.

20 Count 5: The Defense Committee and Navarro failed to timely file the semi-annual campaign  
21 statement due February 1, 2016, in violation of Section 84200.

22 Count 6: The Defense Committee and Navarro failed to timely file the semi-annual campaign  
23 statement due August 1, 2016, in violation of Section 84200.

24 Count 7: The Defense Committee and Navarro failed to pay the 2013 annual fee by the February  
25 15, 2013 due date and failed to pay a penalty of \$150 for failing to timely pay the annual  
26 fee, in violation of Section 84101.5, subdivisions (c) and (d).

27 Count 8: The Defense Committee and Navarro failed to pay the 2014 annual fee by the January 15,  
28 2014 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee,  
in violation of Section 84101.5, subdivisions (c) and (d).

<sup>2</sup> Cal. Code Reg., tit. 2, § 18361.4, subd. (e).

- 1 Count 9: The Defense Committee and Navarro failed to pay the 2015 annual fee by the January 15,  
2 2015 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee,  
3 in violation of Section 84101.5, subdivisions (c) and (d).
- 4 Count 10: The Defense Committee and Navarro failed to pay the 2016 annual fee by the January 15,  
5 2016 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee,  
6 in violation of Section 84101.5, subdivisions (c) and (d).
- 7 Count 11: The Assembly Committee and Navarro failed to timely file the pre-election campaign  
8 statement due October 6, 2014, in violation of Section 84200.7, subdivision (b).
- 9 Count 12: The Assembly Committee and Navarro failed to timely file the pre-election campaign  
10 statement due October 23, 2014, in violation of Section 84200.7, subdivision (b).
- 11 Count 13: The Assembly Committee and Navarro failed to timely file the semi-annual campaign  
12 statement due February 2, 2015, in violation of Section 84200.
- 13 Count 14: The Assembly Committee and Navarro failed to timely file the semi-annual campaign  
14 statement due July 31, 2015, in violation of Section 84200.
- 15 Count 15: The Assembly Committee and Navarro failed to timely file the semi-annual campaign  
16 statement due February 1, 2016, in violation of Section 84200.
- 17 Count 16: The Assembly Committee and Navarro failed to timely file the semi-annual campaign  
18 statement due August 1, 2016, in violation of Section 84200.
- 19 Count 17: The Assembly Committee and Navarro failed to pay the 2016 annual fee by the January  
20 15, 2016 due date and failed to pay a penalty of \$150 for failing to timely pay the annual  
21 fee, in violation of Section 84101.5, subdivisions (c) and (d).

22 Based on the Ex Parte Request given to me, I find that notice has been given to the Defense  
23 Committee, the Assembly Committee, and Navarro.<sup>3</sup> I further find, based on the PC Report and the Ex  
24 Parte Request, that there is probable cause to believe the Defense Committee, the Assembly Committee,  
25 and Navarro violated the Political Reform Act as alleged in Counts 1 through 17, as identified above.

26 I therefore direct that the Enforcement Division issue an accusation against the the Defense  
27 Committee, the Assembly Committee, and Navarro in accordance with this finding.

28 IT IS SO ORDERED.

29 Dated: 2-27-17

30   
31 Jack Woodside, Hearing Officer  
32 Fair Political Practices Commission

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

**FPPC No. 16/137, In the matter of Gil Navarro Legal Defense Fund, Navarro for 47<sup>th</sup> Assembly  
2014, and Gilbert "Gil" Navarro**

**PROOF OF SERVICE**

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

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

**MANNER OF SERVICE**

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

**SERVICE LIST**

Gil Navarro  


**(By Personal Service) On Friday, March 03, 2017, at approximately 2:15 p.m., I personally served:**

Galena West, Chief of Enforcement, at 428 J Street, Suite 700, Sacramento, CA 95814.  
Amanda Kelly, Commission Counsel, at 428 J Street, Suite 700, Sacramento, CA 95814.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document is executed at Sacramento, California, on March 3, 2017.

  
Sileva Tabatabaiejad



**Exhibit A-6**

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

6 Attorneys for Complainant

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

11 In the Matter of ) FPPC No. 16/137  
12 )  
13 )  
14 GIL NAVARRO LEGAL DEFENSE ) **ACCUSATION**  
15 FUND, NAVARRO FOR 47TH )  
16 ASSEMBLY 2014, AND GILBERT )  
17 "GIL" NAVARRO, )  
) (Gov. Code §11503)  
)  
)  
Respondents. )

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

20 **JURISDICTION**

- 21 1. Complainant is the Enforcement Division of the Fair Political Practices Commission (the  
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 Regulations,  
24 Sections 18361 and 18361.4, subdivision (e), and the statutory law of the State of California, specifically  
25 including, but not limited to, Government Code Sections 83111, 83116, and 91000.5, which assign to the  
26 Enforcement Division the duty to administer, implement, and enforce the provisions of the Political  
27 Reform Act, found at Government Code Sections 81000 through 91014.



1 **A. Duty to File Campaign Statements**

2 10. The Act requires committees to file campaign statements at specific times disclosing  
3 information regarding campaign contributions received and expenditures made by the campaign  
4 committees.<sup>5</sup>

5 11. Committees must file semi-annual campaign statements each year no later than July 31 for  
6 the reporting period ending on June 30, and no later than January 31 of the following year for the semi-  
7 annual reporting period ending December 31.<sup>6</sup>

8 12. When a candidate appears on the ballot, his or her controlled committee must file the first  
9 pre-election statement for the period ending September 30 no later than October 5 and the second pre-  
10 election statement for the period ending 17 days before the election no later than 12 days before the  
11 election.<sup>7</sup>

12 13. When a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing  
13 deadline is extended to the next business day.<sup>8</sup>

14 **B. Duty to Terminate a Legal Defense Fund**

15 14. A candidate for local office or a local elected officer may establish a separate legal defense  
16 bank account and use contributions to the fund to defray attorney's fees and other legal costs.<sup>9</sup> The  
17 candidate must establish a committee related to the legal defense fund.<sup>10</sup>

18 15. Once the relevant legal dispute is resolved, any remaining funds in a legal defense fund  
19 must be used to pay outstanding debts or repay contributions; donated to a charitable organization;  
20 contributed to a political party, candidate for federal office or an office outside of California, or a ballot  
21 measure; or used to pay for professional services provided to the committee.<sup>11</sup> The remaining funds must  
22 be disbursed within 90 days of the last legal dispute for which the committee was established.<sup>12</sup>

23 ///

24  
25 <sup>5</sup> Sections 84200 through 84225.

26 <sup>6</sup> Section 84200, subd. (a).

27 <sup>7</sup> Section 84200.7, subd. (b).

28 <sup>8</sup> Regulation 18116.

<sup>9</sup> Section 85304.5, subd. (a), and Regulation 18530.45, subd. (c).

<sup>10</sup> Regulation 18530.45, subd. (c).

<sup>11</sup> Sections 85304.5, subd. (c), and 89519, subd. (b).

<sup>12</sup> Regulation 18530.45, subd, (k).

1 **C. Duty to Pay the Annual Fee**

2 16. Each committee required to file a statement of organization was required to pay an annual  
3 fee to SOS beginning in 2013. The annual fee for 2013 was due by February 15, 2013. In subsequent  
4 years, each committee has been required to pay the \$50 annual fee by January 15 each year until the  
5 termination of the committee.<sup>13</sup> A committee that fails to timely pay the annual fee is subject to a penalty  
6 equal to three times the amount of the fee. The Commission is required to enforce this provision of the  
7 Act.<sup>14</sup>

8 **D. Factors to be Considered by the Fair Political Practices Commission**

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

18 **GENERAL FACTS**

19 **A. Defense Committee**

20 18. Navarro was elected to the San Bernardino County Board of Education on November 7,  
21 2006 and was elected to the San Bernardino Valley Municipal Water District Board of Directors on  
22 November 6, 2012.

23 19. On December 7, 2012, the San Bernardino County Counsel determined Navarro's offices  
24 were incompatible and that Navarro would need to resign from one position.

25 ///

26 ///

27 <sup>13</sup> Section 84101.5, subd. (c).

28 <sup>14</sup> Section 84101.5, subd. (d).

<sup>15</sup> Reg. 18361.5, subd. (d).

1           20.     The Defense Committee qualified as a recipient committee on or about June 18, 2013  
2 when it filed a Statement of Organization. The purpose of the Defense Committee was to fund Navarro's  
3 legal expenses associated with the alleged incompatibility of his offices.

4           21.     The San Bernardino County Board of Education voted to move forward with removing  
5 Navarro from office on July 8, 2013. Navarro was removed from the San Bernardino County Board of  
6 Education effective December 4, 2013. Navarro did not appeal his removal, and the legal dispute ended.  
7 The Defense Committee was not terminated within 90 days of the end of the legal dispute, and remains  
8 active today.

9           22.     The Defense Committee and Navarro last filed a semi-annual statement for the period of  
10 January 1, 2013 through June 30, 2013 on November 22, 2013. That statement showed the Defense  
11 Committee had an ending cash balance of \$1,588.87.

12           23.     The Defense Committee and Navarro failed to file semi-annual statements for the periods  
13 of July 1, 2013 through December 31, 2013; January 1, 2014 through June 30, 2014; July 1, 2014 through  
14 December 31, 2014; January 1, 2015 through June 30, 2015; July 1, 2015 through December 31, 2015;  
15 and January 1, 2016 through June 30, 2016.

16           24.     The Defense Committee and Navarro paid the 2015 annual fee to SOS on January 5, 2015.  
17 However, the Defense Committee and Navarro failed to timely pay the annual fees for 2013, 2014, and  
18 2016, and failed to pay a penalty of \$150 for failing to timely pay the annual fees for each of those years.

19           25.     SOS sent the Defense Committee and Navarro multiple notices of their failure to pay the  
20 delinquent annual fees and penalties. The Defense Committee and Navarro did not pay the fees or  
21 penalties, so SOS referred the matter to the Enforcement Division.

22           26.     As of March 8, 2017, the Defense Committee and Navarro have not filed the six  
23 outstanding semi-annual campaign statements and have not paid the annual fees and penalties for 2013,  
24 2014, and 2016.

25 **B.     Assembly Committee**

26           27.     The Assembly Committee qualified as a recipient committee on or about April 18, 2014  
27 when it filed a Statement of Organization.  
28





1           37.     The Enforcement Division initiated the administrative action against the Defense  
2 Committee, the Assembly Committee, and Navarro in this matter by serving them with a packet containing  
3 a cover letter, a Report in Support of a Finding of Probable Cause (“PC Report”), a fact sheet regarding  
4 probable cause proceedings, selected sections of the Government Code regarding probable cause  
5 proceedings for the Commission, and selected regulations of the Commission regarding probable cause  
6 proceedings.

7           38.     The Defense Committee, the Assembly Committee, and Navarro were served with the PC  
8 Report via certified mail on December 27, 2016. The information contained in the PC Report packet  
9 advised the Defense Committee, the Assembly Committee, and Navarro that they had 21 days in which  
10 to request a probable cause conference and/or to file a written response to the PC Report. As of the date  
11 of this Accusation, the Defense Committee, the Assembly Committee, and Navarro have not responded  
12 to the PC Report.

13           39.     By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that  
14 an Accusation Be Prepared and Served (“Ex Parte Request”), dated February 22, 2017, the Enforcement  
15 Division submitted the matter to the Hearing Officer for a determination of probable cause.

16           40.     On or about February 27, 2017, the Hearing Officer issued an order finding, based on the  
17 Ex Parte Request and the PC Report, that there was probable cause to believe the Defense Committee, the  
18 Assembly Committee, and Navarro violated the Act and directed the Enforcement Division to issue an  
19 accusation against the Defense Committee, the Assembly Committee, and Navarro in accordance with the  
20 finding.

21           41.     As of March 8, 2017, the Defense Committee, the Assembly Committee, and Navarro have  
22 failed to file the outstanding campaign statements and pay their delinquent fees and penalties, and both  
23 committees remain active.

### **VIOLATIONS**

24  
25           42.     The Defense Committee and Navarro committed 10 violations of the Act and the Assembly  
26 Committee and Navarro committed 7 violations of the Act, as follows:

27 ///

28 ///

1 **Count 1**

2 **Failure to Timely File a Semi-Annual Statement**

3 43. Complainant incorporates paragraphs 1 – 42 of this Accusation, as though completely set  
4 forth here.

5 44. As an active committee and its candidate, the Defense Committee and Navarro had a duty  
6 to file a semi-annual statement for the period of July 1, 2013 through December 31, 2013 by January 31,  
7 2014.

8 45. The Defense Committee and Navarro failed to timely file the semi-annual statement for the  
9 period of July 1, 2013 through December 31, 2013 by the deadline.

10 46. By failing to timely file the semi-annual statement by January 31, 2014, the Defense  
11 Committee and Navarro violated Section 84200.

12 **Count 2**

13 **Failure to Timely File a Semi-Annual Statement**

14 47. Complainant incorporates paragraphs 1 – 46 of this Accusation, as though completely set  
15 forth here.

16 48. As an active committee and its candidate, the Defense Committee and Navarro had a duty  
17 to file a semi-annual statement for the period of January 1, 2014 through June 30, 2014 by July 31, 2014.

18 49. The Defense Committee and Navarro failed to timely file the semi-annual statement for the  
19 period of January 1, 2014 through June 30, 2014 by the deadline.

20 50. By failing to timely file the semi-annual statement by July 31, 2014, the Defense  
21 Committee and Navarro violated Section 84200.

22 **Count 3**

23 **Failure to Timely File a Semi-Annual Statement**

24 51. Complainant incorporates paragraphs 1 – 50 of this Accusation, as though completely set  
25 forth here.

26 52. As an active committee and its candidate, the Defense Committee and Navarro had a duty  
27 to file a semi-annual statement for the period of July 1, 2014 through December 31, 2014 by February 2,  
28 2015.



1 **Count 6**

2 **Failure to Timely File a Semi-Annual Statement**

3 63. Complainant incorporates paragraphs 1 – 62 of this Accusation, as though completely set  
4 forth here.

5 64. As an active committee and its candidate, the Defense Committee and Navarro had a duty  
6 to file a semi-annual statement for the period of January 1, 2016 through June 30, 2016 by August 1, 2016.

7 65. The Defense Committee and Navarro failed to timely file the semi-annual statement for the  
8 period of January 1, 2016 through June 30, 2016 by the deadline.

9 66. By failing to timely file the semi-annual statement by August 1, 2016, the Defense  
10 Committee and Navarro violated Section 84200.

11 **Count 7**

12 **Failure to Timely Pay the 2013 Annual Fee and Penalty**

13 67. Complainant incorporates paragraphs 1 – 66 of this Accusation, as though completely set  
14 forth herein.

15 68. As an active committee and its candidate, the Defense Committee and Navarro had a duty  
16 to pay an annual fee for 2013 to the Secretary of State by February 15, 2013.

17 69. The Defense Committee and Navarro failed to pay the annual fee by the due date and failed  
18 to pay the resulting late payment penalty of \$150 levied by the Secretary of State.

19 70. By failing to timely pay the annual fee and resulting penalty, the Defense Committee and  
20 Navarro violated Section 84101.5, subdivisions (c) and (d).

21 **Count 8**

22 **Failure to Timely Pay the 2014 Annual Fee and Penalty**

23 71. Complainant incorporates paragraphs 1 – 70 of this Accusation, as though completely set  
24 forth herein.

25 72. As an active committee and its candidate, the Defense Committee and Navarro had a duty  
26 to pay an annual fee for 2014 to the Secretary of State by January 15, 2014.

27 73. The Defense Committee and Navarro failed to pay the annual fee by the due date and failed  
28 to pay the resulting late payment penalty of \$150 levied by the Secretary of State.





1 84. As an active committee and its candidate, Assembly Committee and Navarro had a duty  
2 to file a pre-election statement for the period of July 1, 2014 through September 30, 2014 by October 6,  
3 2014.

4 85. The Assembly Committee and Navarro failed to timely file the pre-election statement for  
5 the period of July 1, 2014 through September 30, 2014 by the deadline.

6 86. By failing to timely file the pre-election statement by October 6, 2014, the Assembly  
7 Committee and Navarro violated Section 84200.7, subdivision (b).

8 **Count 12**

9 **Failure to Timely File a Pre-Election Statement**

10 87. Complainant incorporates paragraphs 1 – 86 of this Accusation, as though completely set  
11 forth here.

12 88. As an active committee and its candidate, Assembly Committee and Navarro had a duty  
13 to file a pre-election statement for the period of October 1, 2014 through October 18, 2014 by October  
14 23, 2014.

15 89. The Assembly Committee and Navarro failed to timely file the pre-election statement for  
16 the period of October 1, 2014 through October 18, 2014 by the deadline.

17 90. By failing to timely file the pre-election statement by October 23, 2014, the Assembly  
18 Committee and Navarro violated Section 84200.7, subdivision (b).

19 **Count 13**

20 **Failure to Timely File a Semi-Annual Statement**

21 91. Complainant incorporates paragraphs 1 – 90 of this Accusation, as though completely set  
22 forth here.

23 92. As an active committee and its candidate, the Assembly Committee and Navarro had a duty  
24 to file a semi-annual statement for the period of October 19, 2014 through December 31, 2014 by February  
25 2, 2015.

26 93. The Assembly Committee and Navarro failed to timely file the semi-annual statement for  
27 the period of October 19, 2014 through December 31, 2014 by the deadline.

28



1 104. As an active committee and its candidate, the Assembly Committee and Navarro had a duty  
2 to file a semi-annual statement for the period of January 1, 2016 through June 30, 2016 by August 1, 2016.

3 105. The Assembly Committee and Navarro failed to timely file the semi-annual statement for  
4 the period of January 1, 2016 through June 30, 2016 by the deadline.

5 106. By failing to timely file the semi-annual statement by August 1, 2016, the Assembly  
6 Committee and Navarro violated Section 84200.

7  
8 **Count 17**

9 **Failure to Timely Pay the Pay the 2016 Annual Fee and Penalty**

10 107. Complainant incorporates paragraphs 1 – 106 of this Accusation, as though completely set  
11 forth here.

12 108. As an active committee and its candidate, the Assembly Committee and Navarro had a duty  
13 to pay an annual fee for 2016 to the Secretary of State by January 15, 2016.

14 109. The Assembly Committee and Navarro failed to pay the annual fee by the due date and  
15 failed to pay the resulting late payment penalty of \$150 levied by the Secretary of State.

16 110. By failing to timely pay the annual fee and resulting penalty, the Assembly Committee and  
17 Navarro violated Section 84101.5, subdivisions (c) and (d).

18 **MITIGATING OR EXCULPATORY FACTORS**

19 111. Navarro was not elected to the Assembly on November 4, 2014.

20 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

21 112. Navarro remains a member of the San Bernardino Valley Municipal Water District Board  
22 of Directors. He was re-elected to that position on November 8, 2016 and timely filed a short form  
23 campaign statement prior to the election.

24 113. The Assembly Committee and Navarro did not disclose any of the Assembly Committee's  
25 activity before the November 4, 2014 general election.

26 **PRAYER**

27 WHEREFORE, Complainant prays as follows:  
28

- 1        1.     That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and  
2                    Regulation 18361.5, and at such hearing find that the Gil Navarro Legal Defense Fund,  
3                    Navarro for 47th Assembly 2014, and Gilbert "Gil" Navarro violated the Act as alleged  
4                    herein;
- 5        2.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
6                    order the Defense Committee and Navarro to pay a monetary penalty of at least One  
7                    Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
8                    violation of the Political Reform Act alleged in **Count 1**;
- 9        3.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
10                    order the Defense Committee and Navarro to pay a monetary penalty of at least One  
11                    Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
12                    violation of the Political Reform Act alleged in **Count 2**;
- 13       4.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
14                    order the Defense Committee and Navarro to pay a monetary penalty of at least One  
15                    Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
16                    violation of the Political Reform Act alleged in **Count 3**;
- 17       5.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
18                    order the Defense Committee and Navarro to pay a monetary penalty of at least One  
19                    Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
20                    violation of the Political Reform Act alleged in **Count 4**;
- 21       6.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
22                    order the Defense Committee and Navarro to pay a monetary penalty of at least One  
23                    Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
24                    violation of the Political Reform Act alleged in **Count 5**;
- 25       7.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
26                    order the Defense Committee and Navarro to pay a monetary penalty of at least One  
27                    Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
28                    violation of the Political Reform Act alleged in **Count 6**;

- 1 8. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
2 order the Defense Committee and Navarro to pay a monetary penalty of at least One  
3 Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
4 violation of the Political Reform Act alleged in **Count 7**;
- 5 9. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
6 order the Defense Committee and Navarro to pay a monetary penalty of at least One  
7 Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
8 violation of the Political Reform Act alleged in **Count 8**;
- 9 10. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
10 order the Defense Committee and Navarro to pay a monetary penalty of at least One  
11 Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
12 violation of the Political Reform Act alleged in **Count 9**;
- 13 11. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
14 order the Defense Committee and Navarro to pay a monetary penalty of at least One  
15 Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
16 violation of the Political Reform Act alleged in **Count 10**;
- 17 12. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
18 order the Assembly Committee and Navarro to pay a monetary penalty of at least Three  
19 Thousand Dollars (\$3,000) and not more than Five Thousand Dollars (\$5,000) for the  
20 violation of the Political Reform Act alleged in **Count 11**;
- 21 13. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
22 order the Assembly Committee and Navarro to pay a monetary penalty of at least Three  
23 Thousand Dollars (\$3,000) and not more than Five Thousand Dollars (\$5,000) for the  
24 violation of the Political Reform Act alleged in **Count 12**;
- 25 14. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
26 order the Assembly Committee and Navarro to pay a monetary penalty of at least Two  
27 Thousand Dollars (\$2,000) and not more than Five Thousand Dollars (\$5,000) for the  
28 violation of the Political Reform Act alleged in **Count 13**;



- 1 15. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
2 order the Assembly Committee and Navarro to pay a monetary penalty of at least One  
3 Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
4 violation of the Political Reform Act alleged in **Count 14**;
- 5 16. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
6 order the Assembly Committee and Navarro to pay a monetary penalty of at least One  
7 Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
8 violation of the Political Reform Act alleged in **Count 15**;
- 9 17. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
10 order the Assembly Committee and Navarro to pay a monetary penalty of at least One  
11 Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
12 violation of the Political Reform Act alleged in **Count 16**;
- 13 18. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
14 order the Assembly Committee and Navarro to pay a monetary penalty of at least One  
15 Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
16 violation of the Political Reform Act alleged in **Count 17**;
- 17 19. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision  
18 (d), consider the following factors in framing a proposed order following a finding of a  
19 violation pursuant to Section 83116: (1) the seriousness of the violation; (2) the presence or  
20 absence of any intention to conceal, deceive or mislead; (3) whether the violation was  
21 deliberate, negligent or inadvertent; (4) whether the violator demonstrated good faith by  
22 consulting the Commission staff or any other government agency in a manner not  
23 constituting a complete defense under Section 83114, subdivision (b); (5) whether the  
24 violation was isolated or part of a pattern and whether the violator has a prior record of  
25 violations of the Act or similar laws; and (6) whether the violator, upon learning of a  
26 reporting violation, voluntarily filed amendments to provide full disclosure.

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

Dated: 9mar17

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

**Exhibit A-7**

**RETURN OF SERVICE**

Statement of Respondents and FPPC No. 16/137: Accusation and Notice of Defense  
(Two Copies per Respondent) and Selected Sections of the California Government  
Code, Administrative Procedure Act

Case Number: FPPC NO. 16/137

In the Matter of:

**GIL NAVARRO LEGAL DEFENSE FUND, NAVARRO FOR 47th  
ASSEMBLY 2014 and GILBERT "GIL" NAVARRO**

For:

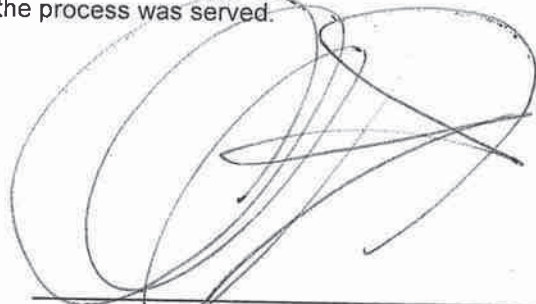
Galena West  
Fair Political Practices Commission/Enforcement Division  
428 J Street, Ste. 620  
Sacramento, CA 95814

Received by Ruben's Attorney Service on the 9th day of March, 2017 at 5:27 pm to be served on **Gil Navarro, 380 E. Vanderbilt Way, San Bernardino Valley Municipal Water District, San Bernardino, CA 92408.**

I, Ruben Torres, do hereby affirm that on the **21st day of March, 2017 at 2:05 pm, I:**

**INDIVIDUALLY/PERSONALLY** served by delivering a true copy of the **Statement of Respondents and FPPC No. 16/137: Accusation and Notice of Defense(Two Copies per Respondent) and Selected Sections of the California Government Code, Administrative Procedure Act** with the date and hour of service endorsed thereon by me, to: **Gil Navarro** at the address of: **380 E. Vanderbilt Way, San Bernardino Valley Municipal Water District, San Bernardino, CA 92408**, and informed said person of the contents therein, in compliance with state statutes.

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



**Ruben Torres**  
318 Exp 2/28/2018

**Ruben's Attorney Service**  
1775 E. Palm Canyon Drive  
Ste. 110-159  
Palm Springs, CA 92264  
(760) 218-0088

Our Job Serial Number: RBN-2017000121  
Service Fee: \$92.40

**Exhibit A-8**



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

**STATEMENT TO RESPONDENTS**

[Government Code Section 11505, subdivision (b)]

***Gil Navarro Legal Defense Fund, Navarro for 47th Assembly 2014, and Gilbert "Gil" Navarro  
FPPC Case No. 16/137***

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

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

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

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

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

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

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





**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:

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- 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:

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- 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:

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

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

\_\_\_\_\_  
Respondent

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

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

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



*Before the Fair Political Practices Commission*

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**State of California**

In the Matter of )  
 ) NOTICE OF DEFENSE  
 ) (Pursuant to Gov. Code § 11506)  
 )  
 GIL NAVARRO LEGAL DEFENSE ) FPPC Case No. 16/137  
 FUND, NAVARRO FOR 47TH )  
 ASSEMBLY 2014, AND GILBERT )  
 "GIL" NAVARRO, )  
 )  
 )  
 )  
 Respondents. )

---

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

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

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



**GROUNDS FOR NOTICE OF DEFENSE**

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

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- 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:

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

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

\_\_\_\_\_  
Respondent

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

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

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



*Before the Fair Political Practices Commission*

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**State of California**

In the Matter of )  
 ) NOTICE OF DEFENSE  
 ) (Pursuant to Gov. Code § 11506)  
 )  
 )  
 ) GIL NAVARRO LEGAL DEFENSE ) FPPC Case No. 16/137  
 )  
 ) FUND, NAVARRO FOR 47TH )  
 ) ASSEMBLY 2014, AND GILBERT )  
 ) "GIL" NAVARRO, )  
 )  
 )  
 ) Respondents. )

---

Navarro for 47th Assembly 2014, a respondent named in the above entitled proceeding, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

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

**GROUNDS FOR NOTICE OF DEFENSE**

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

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- 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 03/09/2017, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 16/137: Accusation;
3. Notice of Defense (Two Copies per Respondent);
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 2:45 a.m.(p.m.):

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

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

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

**SERVICE LIST**


**Personal Delivery**

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

**Personal Service**

Gil Navarro  
San Bernardino Valley Municipal Water  
District  
380 East Vanderbilt Way  
San Bernardino, CA 92408

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 03/09/2017.

  
\_\_\_\_\_  
Roone Peterson

**Exhibit A-9**



**Recipient Committee  
Campaign Statement  
Cover Page**

(Government Code Sections 84200-84216.5)

Type or print in Ink.

COVER PAGE

SEE INSTRUCTIONS ON REVERSE

Statement covers period  
from 1-01-2013  
through 6-30-2013

Date of election if applicable:  
(Month, Day, Year)

<p><b>FILED</b></p> <p>NOV 22 2013</p> <p>BY <u>[Signature]</u> REGISTRAR OF VOTERS DEPUTY</p>	<p>Date Stamp</p>
	<p>CALIFORNIA 2001/02 FORM <b>460</b></p>

Page 1 of 6  
For Official Use Only

**1. Type of Recipient Committee:** All Committees - Complete Parts 1, 2, 3, and 4.

- Officeholder, Candidate Controlled Committee
- State Candidate Election Committee
- Recall (Also Complete Part 5)
- General Purpose Committee
- Sponsored
- Small Contributor Committee
- Political Party/Central Committee
- Primarily Formed Ballot Measure Committee
- Controlled
- Sponsored (Also Complete Part 6)
- Primarily Formed Candidate/Officeholder Committee (Also Complete Part 7)

**2. Type of Statement:**

- Preelection Statement
- Semi-annual Statement
- Termination Statement (Also file a Form 410 Termination)
- Amendment (Explain below)
- Quarterly Statement
- Special Odd-Year Report
- Supplemental Preelection Statement - Attach Form 495

**3. Committee Information**

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)

I.D. NUMBER 13557652

GIL NAVARRO Legal Defense Fund

**Treasurer(s)**

NAME OF TREASURER

GIL NAVARRO  
985 KENDALL DR PMB 357

STREET ADDRESS (NO P.O. BOX)  
149 W. 6TH STREET #44

CITY SAN BERNARDINO STATE CA ZIP CODE 92401 AREA CODE/PHONE (909)246-4133

MAILING ADDRESS (IF DIFFERENT NO. AND STREET OR P.O. BOX)  
985 KENDALL DR PMB 357

CITY SAN BERNARDINO STATE CA ZIP CODE 92407 AREA CODE/PHONE (909)246-4133

OPTIONAL: FAX / E-MAIL ADDRESS

MAILING ADDRESS

CITY SAN BERNARDINO STATE CA ZIP CODE 92407 AREA CODE/PHONE (909)246-4133

NAME OF ASSISTANT TREASURER, IF ANY

OPTIONAL: FAX / E-MAIL ADDRESS

**4. Verification**

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 11-22-2013

By [Signature]  
Signature of Treasurer or Assistant Treasurer

Executed on 11-22-2013

By [Signature]  
Signature of Controlling Officer/Candidate, State Measure Proponent or Responsible Officer of Sponsor

Executed on \_\_\_\_\_

By \_\_\_\_\_  
Signature of Controlling Officer/Candidate, State Measure Proponent

Executed on \_\_\_\_\_

By \_\_\_\_\_  
Signature of Controlling Officer/Candidate, State Measure Proponent

**Recipient Committee  
Campaign Statement  
Cover Page — Part 2**

Type or print in ink.

**5. Officeholder or Candidate Controlled Committee**

NAME OF OFFICEHOLDER OR CANDIDATE \_\_\_\_\_

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE) \_\_\_\_\_

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP \_\_\_\_\_

**Related Committees Not Included in this Statement:** List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE
COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)
CITY	STATE ZIP CODE AREA CODE/PHONE

**6. Primarily Formed Ballot Measure Committee**

NAME OF BALLOT MEASURE \_\_\_\_\_

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
----------------------	--------------	---

Identify the controlling officeholder, candidate, or state measure proponent, if any.  
NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT \_\_\_\_\_

OFFICE SOUGHT OR HELD	DISTRICT NO. IF ANY
-----------------------	---------------------

**7. Primarily Formed Candidate/Officeholder Committee** List names of officeholder(s) or candidate(s) for which this committee is primarily formed.

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

# Campaign Disclosure Statement Summary Page

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SUMMARY PAGE

Statement covers period  
from 1-01-2013  
through 6-30-2013

CALIFORNIA  
FORM **460**

Page 3 of 6

ID. NUMBER  
1357652

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

GIL NAVARRO Legal Defense Fund

## Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	Schedule A, Line 3 \$ 2968.00	\$ 2968.00
2. Loans Received	Schedule B, Line 3 \$ 0.00	\$ 0.00
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2 \$ 2968.00	\$ 2968.00
4. Nonmonetary Contributions	Schedule C, Line 3 \$ 0.00	\$ 0.00
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4 \$ 2968.00	\$ 2968.00

## Expenditures Made

6. Payments Made	Schedule E, Line 4 \$ 1379.13	\$ 1379.13
7. Loans Made	Schedule H, Line 3 \$ 0.00	\$ 0.00
8. SUBTOTAL CASH PAYMENTS	Add Lines 6 + 7 \$ 1379.13	\$ 1379.13
9. Accrued Expenses (Unpaid Bills)	Schedule F, Line 3 \$ 0.00	\$ 0.00
10. Nonmonetary Adjustment	Schedule G, Line 3 \$ 0.00	\$ 0.00
11. TOTAL EXPENDITURES MADE	Add Lines 8 + 9 + 10 \$ 1379.13	\$ 1379.13

## Current Cash Statement

12. Beginning Cash Balance	Previous Summary Page, Line 16 \$ 0.00
13. Cash Receipts	Column A, Line 3 above \$ 2968.00
14. Miscellaneous Increases to Cash	Schedule I, Line 4 \$ 0.00
15. Cash Payments	Column A, Line 8 above \$ 1379.13
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15 \$ 1588.87

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED Schedule B, Part 2 \$ 0.00

## Cash Equivalents and Outstanding Debts

18. Cash Equivalents See instructions on reverse \$ 0.00

19. Outstanding Debts Add Line 2 + Line 9 in Column B above \$ 0.00

## Calendar Year Summary for Candidates Running in Both the State Primary and General Elections

20. Contributions Received 1/1 through 6/30 \$ \_\_\_\_\_ 7/1 to Date \$ \_\_\_\_\_

21. Expenditures Made \$ \_\_\_\_\_ \$ \_\_\_\_\_

## Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made\*  
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yyyy) Total to Date

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\*Amounts in this section may be different from amounts reported in Column B.

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).



**Schedule A  
Monetary Contributions Received**

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

Statement covers period  
from 1-01-2013  
through 6-30-2013

CALIFORNIA  
FORM  
**460**

Page 4 of 6

I.D. NUMBER  
1357652

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

Gil Navarro Legal Defense Fund

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
<b>SUBTOTAL \$</b>						

**Schedule A Summary**

- Amount received this period - (itemized monetary contributions. (Include all Schedule A subtotals.) ..... \$ 988.00
- Amount received this period - unitemized monetary contributions of less than \$100 ..... \$ 1980.00
- Total monetary contributions received this period. (Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) ..... **TOTAL \$** 2,968.00

\*Contributor Codes  
 IND - Individual  
 COM - Recipient Committee  
 (other than PTY or SCC)  
 OTH - Other (e.g., business entity)  
 PTY - Political Party  
 SCC - Small Contributor Committee

**Schedule A (Continuation Sheet)  
Monetary Contributions Received**

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

Statement covers period  
from 1-01-2013  
through 6-30-2013

SCHEDULE A (CONT.)  
CALIFORNIA  
FORM **460**

Page 5 of 6

NAME OF FILER

Gil Navarro Legal Defense Fund

I.D. NUMBER

1357652

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
4/8/13	The Sosa Revocable Family Trust 1340 Cahulilla St. Colton CA. 92324	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	\$ 288.00	288.00	
3/20/13	Pamela Anderson 7428 Somera Lane Highland, CA. 92346	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	S.B. County Court Worker	100.00	100.00	
2/21/13	L. Rivera 23170 Vista Grande Way Grand Terrace, CA. 92313	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	500.00	500.00	
4/24/13	Mark Alvarez 233 N. Millard Rialto, CA. 92376	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Self-employed Mark's Antiques	100.00	100.00	
<b>SUBTOTAL \$</b>				<b>988.00</b>		

\*Contributor Codes  
IND - Individual  
COM - Recipient Committee  
(other than PTY or SCC)  
OTH - Other (e.g., business entity)  
PTY - Political Party  
SCC - Small Contributor Committee

**Schedule E  
Payments Made**

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

Statement covers period  
from 1-01-2013  
through 6-30-2013

CALIFORNIA  
FORM **460**

Page 6 of 6

I.D. NUMBER  
1357652

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

Gil Navarro Legal Defense Fund

**CODES:** If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

- CMP campaign paraphernalia/misc.
- CNS campaign consultants
- CTB contribution (explain nonmonetary)\*
- CVC civic donations
- FIL candidate filing/ballot fees
- FND fundraising events
- IND independent expenditure supporting/opposing others (explain)\*
- LEG legal defense
- LT campaign literature and mailings
- MER member communications
- MTG meetings and appearances
- OFC office expenses
- PET petition circulating
- PHD phone banks
- POL polling and survey research
- POS postage, delivery and messenger services
- PRO professional services (legal, accounting)
- PRT print ads
- RAD radio airtime and production costs
- RFD returned contributions
- SAL campaign workers' salaries
- TEL t.v. or cable airtime and production costs
- TRC candidate travel, lodging, and meals
- TRS staff/spouse travel, lodging, and meals
- TSF transfer between committees of the same candidate/sponsor
- VOT voter registration
- WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE ALSO ENTER ID NUMBER)	CODE OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Joe Navarro 149 West 6th St. #44 San Bernardino CA. 92401		Reimbursement of Food Fundraiser services	667.88
Analit M. Iyre 845. E. H Street. Colton, CA. 92324		Reimbursement/Food For Fundraiser	280.00
Marina Mejia 766 S FOISY St. San Bernardino CA. 92408		Fundraiser Expenses	261.25
<b>SUBTOTAL \$</b>			<b>1209.13</b>

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

**Schedule E Summary**

1. Itemized payments made this period. (Include all Schedule E subtotals.) ..... \$ 1209.13
2. Unitemized payments made this period of under \$100 ..... \$ 170.00
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) ..... \$ 0.00
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) ..... **TOTAL \$** 1379.13



**Exhibit A-10**



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

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

May 09, 2013

GIL NAVARRO  
GIL NAVARRO LEGAL DEFENSE FUND  
985 KENDALL DR., PMB 357  
SAN BERNARDINO CA 92407

Dear Committee Treasurer:

Thank you for filing your Recipient Committee Statement of Organization (Form 410). Your committee identification number is **1357652**. This number should be used on all the campaign statements your committee files and given as information to all persons and committees to whom you make contributions.

Government Code section 84101.5 requires all qualified recipient committees submit an annual fee of \$50 payable to the Secretary of State by January 15 of each year. A committee that has not yet qualified at the time the initial Statement of Organization is filed is not required to pay the \$50 annual fee at this time. However, once the committee has qualified, an amending Form 410 must be filed within 10 days providing the date of qualification. The \$50 annual fee is then due and must be submitted no later than 15 days after filing an amending Form 410 providing a date of qualification. You can submit the amending Form 410 and fee payment together. Committees that form and qualify during the last three month of a calendar year must pay the \$50 fee within 15 days of filing a Form 410, but are not subject to the fee in the following year. Any committee that does not pay the fee on time is subject to a penalty of \$150.

Based on your Statement of Organization, your filing jurisdiction is at the city or county level. (Government Code section 84215) (Note: All subsequent section references are to the Government Code.) Since the Secretary of State is a state level filing officer, you will not ordinarily be required to file campaign disclosure statements with this office.

Please refer to the information sheet "Where Campaign Statements Must be Filed by Candidates, Officeholders, and Campaign Committees at the Local Level" ([www.sos.ca.gov/prd/campaign\\_info/filing\\_requirements/where\\_to\\_file\\_local.htm](http://www.sos.ca.gov/prd/campaign_info/filing_requirements/where_to_file_local.htm)) in order to determine your appropriate local filing officer(s).

You may need to file semi-annual statements (§ 84200.5) on an ongoing basis, even if you have no activity. Your committee may also be required to file several types of pre-election and election-specific statements, late contribution (§ 84203) and late independent expenditure (§ 84204) reports, various types of amendments (§ 81004.5), termination statements (§ 84214), and other special reports required by law. In addition, candidates may be required to file candidate intention statements (§ 85200), statements of economic interests (§ 87201), and other types of reports. Please refer to the appropriate Fair Political Practices Commission (FPPC) campaign information manual for your specific filing requirement.

Changes may occur in the information contained in your original or currently-filed Statement of Organization. For example you may change the name of your committee, addresses, or treasurers. You must designate a Statement of Organization as an "amendment" and file an original and one copy with this office within 10 days of any change (§ 84103(a)). In addition, if any information contained in your currently-filed Statement of Organization changes during the 16 days immediately preceding the election in which the committee is required to file a pre-election statement, an amendment must be filed within 24 hours of the change. Keep in mind that a copy of all committee registration statements must also be filed with your appropriate local filing officer (§ 84101(a)).



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

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

December 2, 2013

GIL NAVARRO, TREASURER  
NAVARRO LEGAL DEFENSE FUND, GIL, ID#1357652  
985 KENDALL DR., PMB 357  
SAN BERNARDINO CA 92407

Dear Committee Treasurer:

The committee identified above has been assessed a \$150 penalty for failure to pay an annual \$50 fee imposed by the Legislature in 2013 on all active campaign committees (see Government Code section 84101.5).

The committee identified above is still an active committee, according to our records, and no payment of the \$50 annual fee was received by the deadline prescribed by law. Therefore, the committee owes a penalty of \$150, in addition to the original annual fee of \$50 (for a total of \$200), payable immediately.

Please remit your annual fee and penalty (\$200) to: Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street, Rm 495  
Sacramento, CA 95814

Make your check payable to the Secretary of State and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.

Please note that this is an **annual** fee, which will be assessed again for 2014 and in future years. If you intend for your committee to be active on January 1, 2014, please avoid any further penalties by also including that \$50 annual fee payment, which is due January 15, 2014.

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at [www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm](http://www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm). (Please note the rules for terminating a committee found in the FPPC manuals available online at <http://www.fppc.ca.gov/index.php?id=633>. See the appropriate chapter for your committee type, in most cases titled "After the Election.")

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 653-6038.

Sincerely,

Chris Reynolds, Chief  
Political Reform Division



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

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

December 4, 2013

GIL NAVARRO, TREASURER  
NAVARRO LEGAL DEFENSE FUND, GIL, ID#1357652  
985 KENDALL DR., PMB 357  
SAN BERNARDINO CA 92407

Dear Committee Treasurer:

**An annual fee of \$50 is due and payable on January 15, 2014, for the above referenced committee for which you serve as treasurer**, unless the committee terminates before January 1, 2014. This annual fee was imposed by the Legislature on all active state and local campaign committees effective January 1, 2013, pursuant to Government Code section 84101.5.

**If the fee is not paid by the January 15, 2014, deadline, the law imposes an additional \$150 penalty, which will require the committee to pay a total of \$200** (the \$50 annual fee plus the \$150 penalty).

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at [www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm](http://www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm). (Please note the rules for terminating a committee found in the FPPC manuals available online at <http://www.fppc.ca.gov/index.php?id=633>. See the appropriate chapter for your committee type, in most cases titled "After the Election.")

Your committee will **not** receive any further notice or invoice in advance of the January 15, 2014, annual fee payment deadline.

Please remit your annual fee payment (\$50) to:

Secretary of State  
Political Reform Division  
P.O. Box 1467  
Sacramento, CA 95812-1467

Make your check payable to the Secretary of State and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 653-6038.

Sincerely,

Chris Reynolds, Chief  
Political Reform Division



**ALEX PADILLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
**POLITICAL REFORM**

1500 11<sup>th</sup> Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

November 20, 2015

GIL NAVARRO  
NAVARRO LEGAL DEFENSE FUND, GIL ID#1357652  
985 KENDALL DR., PMB 357  
SAN BERNARDINO CA 92407

Dear Committee Treasurer:

Government Code section 84101.5 imposes an annual fee on all active (not terminated) state and local campaign committees. **The annual fee of \$50 is due and payable on January 15, 2016 for the above referenced committee if the committee will continue to exist in 2016, regardless of the level of activity.**

**If the fee is not paid by the January 15, 2016 deadline, the law imposes an additional \$150 penalty, which will require the committee pay a total of \$200 (the \$50 annual fee plus the \$150 penalty).**

If the committee will cease activity by no later than December 31, 2015, no fee for 2016 will be due. However a terminating Statement of Organization (Form 410) will need to be **filed with the Secretary of State's Office** by January 31, 2016.

An online fillable Form 410 can be accessed at the Secretary of State's webpage at [www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm](http://www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm). The rules can be found at the FPPC website, <http://www.fppc.ca.gov/index.php?id=633>.

Your committee will **not** receive any further notice or invoice in advance of the January 15, 2016, annual fee payment deadline.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

CHRIS REYNOLDS, Chief

Political Reform Division

Please detach and enclose with your payment  
Committee ID # **1357652**

Amount Enclosed \_\_\_\_\_

Please remit your annual fee payment (\$50),  
along with any forms to:

Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street – Room 495  
Sacramento, CA 95814

Make your check payable to the **Secretary of State** and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.





**ALEX PADILLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
**POLITICAL REFORM**

1500 11<sup>th</sup> Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

June 10, 2016

GIL NAVARRO  
NAVARRO LEGAL DEFENSE FUND, GIL #1357652  
985 KENDALL DR., PMB 357  
SAN BERNARDINO CA 92407



Dear Committee Treasurer:

The committee identified above is still an active committee, according to our records, and no payment for the 2016 \$50 annual fee was **received by the deadline** prescribed by law. Therefore, the committee owes a penalty of \$150, in addition to the original annual fee of \$50 (for a total of \$200), payable immediately.

If the annual fee of \$50 has been paid, the \$150 penalty is due immediately.

Please remit your penalty and/or annual fee to:

Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street, Room 495  
Sacramento, CA 95814

Make your check payable to the Secretary of State and please write your committee ID number in the memo field on the lower left portion of the check to ensure the payment is posted to your account.

**If payment is not received in a timely manner then the committee will be referred to the Fair Political Practices Commission which may result in enforcement action and additional penalties.**

Please note that this is an **annual** fee, which will be assessed again for 2017 and in future years until the committee is terminated.

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at: <http://www.sos.ca.gov/campaign-lobbying/campaign-disclosure-and-requirements/campaign-forms-and-instructions/>. Terminating the committee does **not** relieve the committee of its obligation to pay the annual fee and/or penalty owed at this time.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

CHRIS REYNOLDS, Chief  
Political Reform Division



**Exhibit A-11**

## Ruth Yang

---

**From:** Ruth Yang  
**Sent:** Thursday, January 25, 2018 10:50 AM  
**To:** 'Gil Navarro'  
**Subject:** RE: Notice to file campaign statements and pay annual fees

Dear Mr. Navarro:

Thank you for filing your Form 410 termination statements for both Gil Navarro Legal Defense Fund and Navarro for 47<sup>th</sup> Assembly 2014. There are several more statements that need to be filed to bring both your committees into compliance with the Political Reform Act.

Gil Navarro Legal Defense Fund must file Form 460s for the following periods:

- July 1, 2013 – December 31, 2013
- January 1, 2014 – June 30, 2014
- July 1, 2014 – December 31, 2014
- January 1, 2015 – June 30, 2015
- July 1, 2015 – December 31, 2015
- January 1, 2016 – June 30, 2016 (marked as a termination statement)

Navarro for 47<sup>th</sup> Assembly 2014 must file Form 460s for the following periods:

- July 1, 2014 – September 30, 2014
- October 1, 2014 – October 18, 2014
- October 19, 2014 – December 31, 2014
- January 1, 2015 – June 30, 2015
- July 1, 2015 – December 31, 2015
- January 1, 2016 – June 30, 2016
- July 1, 2016 – December 31, 2016
- January 1, 2017 – June 30, 2017
- July 1, 2017 – December 31, 2017 (marked as a termination statement)

If you require any assistance in completing these forms, please let me know. We have people who can walk you through the forms. Please have these forms completed and filed **by close of business on January 31, 2018** if you would like to settle your case. Otherwise, I will move forward with presenting your case as a default to the Commission on February 15, 2018.

If you have any questions or concerns, please feel free to contact me.

Sincerely,  
Ruth Yang

Ruth Yang



Commission Counsel  
Enforcement Division  
Fair Political Practices Commission  
1102 Q Street, Suite 3000 | Sacramento, CA 95811  
(916) 322-7771 | [ryang@fppc.ca.gov](mailto:ryang@fppc.ca.gov)

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**From:** Ruth Yang  
**Sent:** Thursday, January 04, 2018 5:18 PM  
**To:** 'Gil Navarro' <gil4education@yahoo.com>  
**Subject:** RE: Notice to file campaign statements and pay annual fees

Dear Mr. Navarro:

I write you as my final attempt to settle your case.

As mentioned in the past, you and your committees Gil Navarro Legal Defense Fund and Navarro for 47th Assembly 2014 have not filed your delinquent campaign statements. Additionally, you have not terminated the Legal Defense Fund. If you are interested in working with me to settle your case, please file the delinquent statements for both committees and terminate the Legal Defense Fund. Once you complete those tasks, I can send you a stipulated agreement with a demand for a reduced penalty amount.

In the meantime, I will continue with the administrative action and submit a default decision and order to the Commission. Please let me know if you have any questions or concerns.

Sincerely,  
Ruth Yang

**Ruth Yang**



Commission Counsel  
Enforcement Division  
Fair Political Practices Commission  
1102 Q Street, Suite 3000 | Sacramento, CA 95811  
(916) 322-7771 | [ryang@fppc.ca.gov](mailto:ryang@fppc.ca.gov)

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**From:** Gil Navarro [<mailto:gil4education@yahoo.com>]  
**Sent:** Wednesday, June 07, 2017 4:52 PM  
**To:** Ruth Yang <[ryang@fppc.ca.gov](mailto:ryang@fppc.ca.gov)>  
**Subject:** Re: Notice to file campaign statements and pay annual fees

Thank You. I will.

Gil Navarro

On Wednesday, June 7, 2017, 4:43:51 PM PDT, Ruth Yang <[ryang@fppc.ca.gov](mailto:ryang@fppc.ca.gov)> wrote:

Dear Mr. Navarro:

I write you on behalf of the Fair Political Practices Commission as a courtesy.

The Secretary of State referred your case to us after your two committees Gil Navarro Defense Fund and Navarro for 47th Assembly both failed to pay annual fees and file campaign statements. The Commission personally served you with an Accusation on March 21, 2017, outlining your 17 violations under the Political Reform Act. I attached a copy of it to this email for your review.

I would like to get this case resolved as soon as possible, preferably with your cooperation. Please file your delinquent campaign statements by close of business on June 14, 2017 to begin settlement negotiations with me. If your statements are not filed by that date, I will proceed with a default hearing.

Please let me know if you have any questions.

Sincerely,

Ruth Yang



**Ruth Yang**

Commission Counsel

Enforcement Division

Fair Political Practices Commission

428 J Street, Suite 620 | Sacramento, CA 95814

(916) 322-7771 | [ryang@fppc.ca.gov](mailto:ryang@fppc.ca.gov)

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**From:** Kathryn Trumbly  
**Sent:** Wednesday, November 16, 2016 4:11 PM  
**To:** Gil Navarro <[gil4education@yahoo.com](mailto:gil4education@yahoo.com)>  
**Subject:** RE: FPPC Case No. 16/137; Gil Navarro Legal Defense Fund - Request for Statements

Mr. Navarro,

As of today, November 16, 2016, I have not received the statements you said you would send by September 30, 2016. Therefore, your case will now be assigned to an attorney to issue a Report in Support of a Finding of Probable Cause. This Probable Cause Report will begin an administrative action against you and your committee for failing to pay your \$50 Annual Fee for 2013 and 2014 and may include charges for missing campaign statements. The Fair Political Practices Commission can assess a penalty of up to \$5,000 for each of these violations of the Act, even if you choose not to cooperate

Sincerely,



Katie Trumbly  
Enforcement Division  
California Fair Political Practices Commission  
428 J Street, Suite 620 | Sacramento, CA 95814  
• [ktrumbly@fppc.ca.gov](mailto:ktrumbly@fppc.ca.gov) • Phone: (916) 322-0939 • Enf. Fax 916.322.1932

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---

**From:** Gil Navarro [<mailto:gil4education@yahoo.com>]  
**Sent:** Tuesday, September 27, 2016 7:57 AM  
**To:** Kathryn Trumbly <[KTrumbly@fppc.ca.gov](mailto:KTrumbly@fppc.ca.gov)>  
**Subject:** Re: FPPC Case No. 16/137; Gil Navarro Legal Defense Fund - Request for Statements

Ms. Trumbly, again I am requesting your patience with me. I have now found the missing records of receipts for this committee. I am going to the San Bernardino County Registrar of Voters office today to get copies of all last filings. I intend to cooperate and complete this As Soon As Possible within two days. Please be patient with me. Thank You

Gil Navarro

On Wednesday, September 21, 2016 5:14 PM, Gil Navarro <[gil4education@yahoo.com](mailto:gil4education@yahoo.com)> wrote:

Thank You.



Gil Navarro

On Wednesday, September 21, 2016 3:34 PM, Kathryn Trumbly <[KTrumbly@fppc.ca.gov](mailto:KTrumbly@fppc.ca.gov)> wrote:

Mr. Navarro,

Thank you for notifying me that your statements will be late.

Have your statements to me by **September 27, 2016**, to the address located in my signature. Please also send an electronic copy of the statements sent via email to this email address the day that the statements are placed in the mail.

With that in mind, this will serve as the last request for statements before moving on to the next step. The next step in this process, if I were to not receive your statements by the date agreed upon, is to assign an Enforcement attorney to issue a Report in Support of a Finding of Probable Cause. This Probable Cause Report will begin an administrative action against you and your committee for failing to pay your \$50 Annual Fee for 2013 and 2014 and may include charges for missing campaign statements. The Fair Political Practices Commission can assess a penalty of up to \$5,000 for each of these violations of the Act, even if you choose not to cooperate.

Sincerely,



Katie Trumbly

Enforcement Division

California Fair Political Practices Commission

428 J Street, Suite 620 | Sacramento, CA 95814

• [ktrumbly@fppc.ca.gov](mailto:ktrumbly@fppc.ca.gov) • Phone: (916) 322-0939 • Enf. Fax 916.322.1932

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**From:** Gil Navarro [<mailto:gil4education@yahoo.com>]

**Sent:** Wednesday, September 21, 2016 9:15 AM

**To:** Kathryn Trumbly <[KTrumbly@fppc.ca.gov](mailto:KTrumbly@fppc.ca.gov)>

**Subject:** Re: FPPC Case No. 16/137; Gil Navarro Legal Defense Fund - Request for Statements

Ms. Trumbly, I have been on Jury Service for the last three days. I apologize, but I will be sending the completed paperwork by 9/27, 2016. Thank You for your patience.

Gil Navarro

On Wednesday, September 14, 2016 3:33 PM, Kathryn Trumbly <[KTrumbly@fppc.ca.gov](mailto:KTrumbly@fppc.ca.gov)> wrote:

Mr. Navarro,

We spoke on the phone September 2, 2016. During our conversation, you informed me that you thought your committee, Gil Navarro Legal Defense Fund, has not been active for the last few years. I informed you that your committee is currently still considered active according to the Secretary of State, and because of this your committee has accumulated many fines for failing to file campaign statements and, failing to pay the \$50 Annual Fee owed to the Secretary of State by the 15<sup>th</sup> of February every year since 2013.

After explaining these facts to you, you expressed to me that you thought your committee had already been terminated and would refile the statements since termination statements were never submitted. In order to successfully terminate your committee please follow the steps below:

1. Please fill out the previously sent Form 460 detailing your committee's last activity, and include what happened to the last ending cash balance. A committee must have an ending cash balance of \$0 to terminate.
2. Next, fill out the previously sent Form 410 (This is the same form you filled out to open your committee.) Make sure to check the box "Termination," and place your committee's last active date, as well as, your committee's SOS ID number under the checked box.

Once you have completed both forms, please send them to me **by September 21, 2016** at the address below:

Fair Political Practices Commission  
ATTN: Katie Trumbly  
428 J Street, Suite 620  
Sacramento, CA 95814

I will gladly forward them to the Secretary of State and your local filing officer.

If you have any questions, please feel free to reach out to me,



Katie Trumbly  
Enforcement Division  
California Fair Political Practices Commission  
428 J Street, Suite 620 | Sacramento, CA 95814  
• [ktrumbly@fppc.ca.gov](mailto:ktrumbly@fppc.ca.gov) • Phone: (916) 322-0939 • Enf. Fax 916.322.1932

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prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**Kathryn Trumbly**

---

**From:** Kathryn Trumbly  
**Sent:** Wednesday, September 07, 2016 4:14 PM  
**To:** [REDACTED]'gil4education@yahoo.com'  
**Subject:** Gil Navarro Legal Defense Fund, ID 1357652  
**Attachments:** Form 460.pdf; Form 410.pdf

Mr. Navarro,

We spoke on the phone September 2, 2016. During our conversation, you informed me that you thought your committee, Gil Navarro Legal Defense Fund, has not been active for the last few years. I informed you that your committee is currently still considered active according to the Secretary of State, and because of this your committee has accumulated many fines for failing to file campaign statements and, failing to pay the \$50 Annual Fee owed to the Secretary of State by the 15<sup>th</sup> of February every year since 2013.

After explaining these facts to you, you expressed to me that you thought your committee had already been terminated and would refile the statements since termination statements were never submitted. In order to successfully terminate your committee please follow the steps below:

1. Please fill out the attached Form 460 detailing your committee's last activity, and include what happened to the last ending cash balance. A committee must have an ending cash balance of \$0 to terminate.
2. Next, fill out a Form 410 (This is the same form you filled out to open your committee.) Make sure to check the box "Termination," and place your committee's last active date, as well as, your committee's SOS ID number under the checked box.

Once you have completed both forms, please send them to me at the address below:

Fair Political Practices Commission  
ATTN: Katie Trumbly  
428 J Street, Suite 620  
Sacramento, CA 95814

I will gladly forward them to the Secretary of State and your local filing officer.

If you have any questions, please feel free to reach out to me,



Katie Trumbly  
Enforcement Division  
California Fair Political Practices Commission  
428 J Street, Suite 620 | Sacramento, CA 95814  
• ktrumbly@fppc.ca.gov • Phone: (916) 322-0939 • Enf. Fax 916.322.1932

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**Exhibit A-12**




**Recipient Committee  
Campaign Statement  
Cover Page**

(Government Code Sections 84200-84216.5)

Type or print in Ink.

COVER PAGE

Statement covers period from <u>5-18-2014</u> through <u>6-30-2014</u>	Date of election if applicable: (Month, Day, Year) <u>11-04-2014</u>		CALIFORNIA 2001102 FORM <b>460</b>

SEE INSTRUCTIONS ON REVERSE

**1. Type of Recipient Committee: All Committees - Complete Parts 1, 2, 3, and 4.**

Offholder, Candidate Controlled Committee  
 State Candidate Election Committee  
 Recall  
(Also Complete Part 5)

General Purpose Committee  
 Sponsored  
 Small Contributor Committee  
 Political Party/Central Committee

Primarily Formed Candidate/Officerholder Committee  
(Also Complete Part 7)

**2. Type of Statement:**

Preelection Statement  
 Semi-annual Statement  
 Termination Statement  
(Also file a Form 410 Termination)

Amendment (Explain below)

Quarterly Statement  
 Special Odd-Year Report  
 Supplemental Preelection Statement - Attach Form 495

**3. Committee Information**

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE):  
NAVARRO FOR 47TH ASSEMBLY - 2014

I.D. NUMBER: 1364913

**Treasurer(s)**

NAME OF TREASURER: GIL NAVARRO

MAILING ADDRESS: 149 West 6th Street #44

CITY: San Bernardino CA 92401 STATE: CA ZIP CODE: 92401 AREA CODE/PHONE: (909) 246-4133

MAILING ADDRESS: 985 Kendall Dr. PMB 357

CITY: San Bernardino CA STATE: CA ZIP CODE: 92407 AREA CODE/PHONE: (909) 246-4133

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_ AREA CODE/PHONE: \_\_\_\_\_

OPTIONAL: FAX / E-MAIL ADDRESS: \_\_\_\_\_

**4. Verification**

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 7-28-2014 By Gil Navarro  
Signature of Treasurer or Assistant Treasurer

Executed on 7-28-2014 By Gil Navarro  
Signature of Controlling Officerholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

Executed on \_\_\_\_\_ By \_\_\_\_\_  
Signature of Controlling Officerholder, Candidate, State Measure Proponent

Executed on \_\_\_\_\_ By \_\_\_\_\_  
Signature of Controlling Officerholder, Candidate, State Measure Proponent



**Recipient Committee  
Campaign Statement  
Cover Page — Part 2**

Type or print in ink.

**5. Officeholder or Candidate Controlled Committee**

NAME OF OFFICEHOLDER OR CANDIDATE  
SIL NAVARRO

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)  
STATE ASSEMBLY 47th DISTRICT

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP  
149 W. 6th St. #44 San Bernardino, CA 92401

**Related Committees Not Included in this Statement:** List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.

COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	
CITY STATE ZIP CODE AREA CODE/PHONE	
COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	
CITY STATE ZIP CODE AREA CODE/PHONE	

**6. Primarily Formed Ballot Measure Committee**

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER JURISDICTION  
 SUPPORT  
 OPPOSE

Identify the controlling officeholder, candidate, or state measure proponent, if any.  
NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD DISTRICT NO., IF ANY

**7. Primarily Formed Candidate/Officeholder Committee** List names of officeholder(s) or candidate(s) for which this committee is primarily formed.

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

# Campaign Disclosure Statement Summary Page

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SUMMARY PAGE

Statement covers period from <u>5-18-2014</u> through <u>6-30-2014</u>	CALIFORNIA FORM <b>460</b>
Page <u>3</u> of <u>6</u>	I.D. NUMBER <u>1364913</u>

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

WARREN FOR 47TH ASSEMBLY - 2014

## Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	Schedule A, Line 3 \$ 1231.00	\$ 3142.28
2. Loans Received	Schedule B, Line 3 (\$450.00)	0.00
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2 \$ 781.00	\$ 3142.28
4. Nonmonetary Contributions	Schedule C, Line 3 0.00	0.00
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4 \$ 781.00	\$ 3142.28

## Expenditures Made

6. Payments Made	Schedule E, Line 4 \$ 708.38	\$ 2945.16
7. Loans Made	Schedule H, Line 3 0.00	0.00
8. SUBTOTAL CASH PAYMENTS	Add Lines 6 + 7 \$ 708.38	\$ 2945.16
9. Accrued Expenses (Unpaid Bills)	Schedule F, Line 3 0.00	0.00
10. Nonmonetary Adjustment	Schedule G, Line 3 0.00	0.00
11. TOTAL EXPENDITURES MADE	Add Lines 8 + 9 + 10 \$ 708.38	\$ 2945.16

## Current Cash Statement

12. Beginning Cash Balance	Previous Summary Page, Line 16 \$ 124.50	To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).
13. Cash Receipts	Column A, Line 3 above \$ 781.00	
14. Miscellaneous Increases to Cash	Schedule I, Line 4 0.00	
15. Cash Payments	Column A, Line 8 above \$ 708.38	
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15 \$ 197.12	

If this is a termination statement, Line 16 must be zero.

## Cash Equivalents and Outstanding Debts

17. LOAN GUARANTEES RECEIVED	Schedule B, Part 2 \$ 0.00
18. Cash Equivalents	See instructions on reverse \$ 0.00
19. Outstanding Debts	Add Line 2 + Line 9 in Column B above \$ 0.00

## Calendar Year Summary for Candidates Running in Both the State Primary and General Elections

20. Contributions Received	1/1 through 6/30 \$ 3142.28	7/1 to Date \$ _____
21. Expenditures Made	\$ 2945.16	\$ _____

## Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made* (If Subject to Voluntary Expenditure Limit)	Date of Election (mm/dd/yy) <u>11/04/2014</u>	Total to Date \$ <u>2945.16</u>
--	---	------------------------------------

\*Amounts in this section may be different from amounts reported in Column B.



**Schedule A**  
**Monetary Contributions Received**

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

Statement covers period  
from 5-18-2014  
through 6-30-2014

Page 4 of 6

CALIFORNIA  
FORM  
**460**

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER DAVARO FOR 47th ASSEMBLY - 2014

I.D. NUMBER 1364913

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
6/10/14	L. RIVERA 2310 VISTA GRANDE WAY GRAND TERRACE, CA 92313	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	RETIRED	100.00	100.00	100.00
6/24/14	FRITRITA AGUILERA 1350 KIMBARK AVE SAN BERNARDINO, CA 92407	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	FINANCIAL AID COUNSELOR CSUSB	100.00	100.00	100.00
6/27/14	Ken Muroz CDV EQUIPMENT REMAKS, INC YUCAIPA, CA 92399	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	SELF- EMPLOYED	500.00	500.00	500.00
<b>SUBTOTAL \$</b>				<b>700.00</b>		

**Schedule A Summary**

1. Amount received this period - itemized monetary contributions.  
(Include all Schedule A subtotals.) ..... \$ 700.00
2. Amount received this period - unitemized monetary contributions of less than \$100 ..... \$ 531.00
3. Total monetary contributions received this period.  
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) ..... **TOTAL \$** 1231.00

\*Contributor Codes  
IND - Individual  
COM - Recipient Committee  
(other than PTY or SCC)  
OTH - Other (e.g., business entity)  
PTY - Political Party  
SCC - Small Contributor Committee

**Schedule B - Part 1  
Loans Received**

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SCHEDULE B - PART 1

CALIFORNIA  
FORM **460**

Statement covers period  
from 5-18-2014  
through 6-30-2014

Page 5 of 6

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

I.D. NUMBER  
1364913

NAVARRO FOR 477th ASSEMBLY - 2014

FULL NAME, STREET ADDRESS AND ZIP CODE (IF COMMITTEE ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	OUTSTANDING BALANCE BEGINNING THIS PERIOD	AMOUNT RECEIVED THIS PERIOD	AMOUNT PAID OR FORGIVEN THIS PERIOD *	OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	INTEREST PAID THIS PERIOD	ORIGINAL AMOUNT OF LOAN	CUMULATIVE CONTRIBUTIONS TO DATE
GIL NAVARRO 149 W. 6th St, #44 SAN BERNARD, MO, CA 92401	EDUCATION ADVOCATE CALIFORNIA Parents Association	\$ 450.00	\$ 200.00	\$ 650.00 <input checked="" type="checkbox"/> PAID <input type="checkbox"/> FORGIVEN	\$ 0.00	%	\$ 450.00 5-16-14	\$ 650.00 PER ELECTION **
<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	\$ _____ <input type="checkbox"/> PAID <input type="checkbox"/> FORGIVEN	DATE DUE	RATE %	DATE INCURRED	CALENDAR YEAR PER ELECTION **
<b>SUBTOTALS</b>		\$ 200.00	\$ 650.00	\$ 0.00	\$ 0.00	%		

**Schedule B Summary**

- Loans received this period ..... \$ 200.00  
(Total Column (b) plus unitemized loans of less than \$100.)
- Loans paid or forgiven this period ..... \$ 650.00  
(Total Column (c) plus loans under \$100 paid or forgiven.)  
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (Subtract Line 2 from Line 1.) ..... NET \$ 450.00  
Enter the net here and on the Summary Page, Column A, Line 2.

†Contributor Codes

IND - Individual  
COM - Recipient Committee  
(Other than PTY or SCC)  
OTH - Other (e.g., business entity)  
PTY - Political Party  
SCC - Small Contributor Committee

\*Amounts forgiven or paid by another party also must be reported on Schedule A.  
\*\* If required.



**Schedule E  
Payments Made**

Type or print in Ink.  
Amounts may be rounded  
to whole dollars.

Statement covers period  
from 5-18-2014  
through 6-30-2014

**SCHEDULE E**  
**CALIFORNIA**  
**FORM 460**

Page 6 of 6

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER NAVARRO FOR 47TH ASSEMBLY - 2014

I.D. NUMBER  
1364913

**CODES:** If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

- CMP campaign paraphernalia/misc.
- CNS campaign consultants
- CTB contribution (explain nonmonetary)\*
- CVC civic donations
- FL candidate filing/ballot fees
- FND fundraising events
- ND independent expenditure supporting/opposing others (explain)\*
- LEG legal defense
- LIT campaign literature and mailings
- MBR member communications
- MTG meetings and appearances
- OFC office expenses
- PET petition circulating
- PHO phone banks
- POL polling and survey research
- POS postage, delivery and messenger services
- PRO professional services (legal, accounting)
- PRT print ads
- RAD radio, TV and production costs
- RFD returned contributions
- SAL campaign workers' salaries
- TEL tv, or cable, radio and production costs
- TRC candidate travel, lodging, and meals
- TRS staff/spouse travel, lodging, and meals
- TSF transfer between committees of the same candidate/sponsor
- VOT voter registration
- WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
<u>ALMA SERRATO</u> <u>1277 WEST BANTON ST.</u> <u>RIMTO, CA 92329</u>			<u>Campaign letters</u>	<u>127.50</u>

\* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

SUBTOTAL \$ 127.50

**Schedule E Summary**

1. Itemized payments made this period. (Include all Schedule E subtotals.) ..... \$ 127.50
2. Unitemized payments made this period of under \$100 ..... \$ 580.88
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) ..... \$ 0.00
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) ..... TOTAL \$ 708.38

**Exhibit A-13**





ALEX PALAJA | SECRETARY OF STATE | STATE OF CALIFORNIA  
POLITICAL REFORM

1500 11<sup>th</sup> Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

March 09, 2015

GIL NAVARRO  
NAVARRO FOR 47TH ASSEMBLY 2014, ID# 1364913  
985 KENDALL DR., PMB 357  
SAN BERNARDINO CA 92407

Dear Filer:

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

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

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

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

Sincerely,

CHRIS REYNOLDS, Chief  
Political Reform Division

**FILING REQUIREMENT**

Name of Filer: NAVARRO FOR 47TH ASSEMBLY 2014  
Statement Required: Form 460  
Period Covered: July 01, 2014 through September 30, 2014  
Date Due: October 6, 2014



**ALEX PALLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
POLITICAL REFORM

1500 11<sup>th</sup> Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | [www.sos.ca.gov](http://www.sos.ca.gov)

April 17, 2015

GIL NAVARRO  
NAVARRO FOR 47TH ASSEMBLY 2014, ID# 1364913  
985 KENDALL DR., PMB 357  
SAN BERNARDINO CA 92407

Dear Filer:

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

IF NO RESPONSE IS RECEIVED WITHIN 10 DAYS OF THE DATE OF THIS LETTER,  
THE MATTER WILL BE REFERRED TO THE ENFORCEMENT DIVISION OF THE FAIR  
POLITICAL PRACTICES COMMISSION.

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

Sincerely,

CHRIS REYNOLDS, Chief  
Political Reform Division

Enclosure

**FILING REQUIREMENT**

Name of Filer: NAVARRO FOR 47TH ASSEMBLY 2014

Document Required: Form 460

Period Covered: July 01, 2014 through September 30, 2014

Date Due: October 6, 2014

Date of First Written Notice: March 9, 2015

**Exhibit A-14**

# Memorandum

RECEIVED  
FAIR POLITICAL  
PRACTICES COMMISSION  
16 MAR 10 PM 12:47

**TO:** Galena West, Chief  
Enforcement Division  
Fair Political Practices Commission

**DATE:** 03/08/2016

**FROM:** Chris Reynolds, Chief  
Political Reform Division  
Secretary of State

**SUBJECT:** Report of Apparent Violation of the Political Reform Act  
Pursuant to Government Code Section 81010(d):  
  
Nonfiler (paper)

**REFERRAL**

**NO.:** 2016-CP3280

NAME OF ENTITY / INDIVIDUAL REFERRED

NAVARRO FOR 47TH ASSEMBLY 2014

ID NUMBER (if applicable)

1364913

DATES (if applicable)

Qualified as Committee: 04/11/2014

Terminated: No

DESCRIPTION OF APPARENT VIOLATION

Document Required: Form 460  
Period Covered: 07/01/2014 through 09/30/2014  
Date Due: 10/6/2014  
Date of First Written Notice: 03/09/2015  
Date of Second Written Notice: 04/17/2015

Copies of applicable documents are attached.

Approved:   
Chris Reynolds, Chief

**Exhibit A-15**



**ALEX PADILLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
**POLITICAL REFORM**

1500 11<sup>th</sup> Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

November 20, 2015

GIL NAVARRO  
NAVARRO FOR 47TH ASSEMBLY 2014 ID#1364913  
985 KENDALL DR., PMB 357  
SAN BERNARDINO CA 92407

Dear Committee Treasurer:

Government Code section 84101.5 imposes an annual fee on all active (not terminated) state and local campaign committees. **The annual fee of \$50 is due and payable on January 15, 2016 for the above referenced committee if the committee will continue to exist in 2016, regardless of the level of activity.**

**If the fee is not paid by the January 15, 2016 deadline, the law imposes an additional \$150 penalty, which will require the committee pay a total of \$200 (the \$50 annual fee plus the \$150 penalty).**

If the committee will cease activity by no later than December 31, 2015, no fee for 2016 will be due. However a terminating Statement of Organization (Form 410) will need to be **filed with the Secretary of State's Office** by January 31, 2016.

An online fillable Form 410 can be accessed at the Secretary of State's webpage at [www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm](http://www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm). The rules can be found at the FPPC website, <http://www.fppc.ca.gov/index.php?id=633>.

Your committee will **not** receive any further notice or invoice in advance of the January 15, 2016, annual fee payment deadline.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

CHRIS REYNOLDS, Chief

Political Reform Division

Please detach and enclose with your payment  
Committee ID # **1364913**

Amount Enclosed \_\_\_\_\_

Please remit your annual fee payment (\$50),  
along with any forms to:

Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street – Room 495  
Sacramento, CA 95814

Make your check payable to the **Secretary of State** and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.





**ALEX PADILLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
**POLITICAL REFORM**

1500 11<sup>th</sup> Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

June 10, 2016

GIL NAVARRO  
NAVARRO FOR 47TH ASSEMBLY 2014 #1364913  
985 KENDALL DR., PMB 357  
SAN BERNARDINO CA 92407



Dear Committee Treasurer:

The committee identified above is still an active committee, according to our records, and no payment for the 2016 \$50 annual fee was **received by the deadline** prescribed by law. Therefore, the committee owes a penalty of \$150, in addition to the original annual fee of \$50 (for a total of \$200), payable immediately.

If the annual fee of \$50 has been paid, the \$150 penalty is due immediately.

Please remit your penalty and/or annual fee to:

Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street, Room 495  
Sacramento, CA 95814

Make your check payable to the Secretary of State and please write your committee ID number in the memo field on the lower left portion of the check to ensure the payment is posted to your account.

**If payment is not received in a timely manner then the committee will be referred to the Fair Political Practices Commission which may result in enforcement action and additional penalties.**

Please note that this is an **annual** fee, which will be assessed again for 2017 and in future years until the committee is terminated.

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at: <http://www.sos.ca.gov/campaign-lobbying/campaign-disclosure-and-requirements/campaign-forms-and-instructions/>. Terminating the committee does **not** relieve the committee of its obligation to pay the annual fee and/or penalty owed at this time.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

CHRIS REYNOLDS, Chief  
Political Reform Division

**Exhibit A-16**



**FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street • Suite 3000 • Sacramento, CA 95811

February 22, 2018

Gil Navarro

Gil Navarro Legal Defense Fund and Navarro for 47<sup>th</sup> Assembly 2014



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

**Re: FPPC No. 16/137**

**In the Matter of Gil Navarro Legal Defense Fund, Navarro for 47<sup>th</sup> Assembly 2014,  
and Gilbert "Gil" Navarro**

Dear Mr. Navarro:

Enclosed please find a copy of the Default Decision and Order, and accompanying Exhibit and attachments, for the above-referenced matter. The Fair Political Practices Commission (the "Commission") will consider these papers at its public meeting on **March 22, 2018**, and decide whether to impose an administrative penalty of \$36,500 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 seventeen violations of the Political Reform Act's campaign provisions. Thereafter, the Commission's Chief of Enforcement issued an Accusation against you on these violations. The Accusation was personally served on you on March 21, 2017. Under the law, you have therefore received adequate notice of these proceedings and the action filed against you. Under the Administrative Procedure Act, you were required to file your Notices of Defense within 15 days after service of the Accusation. You failed to file the Notice of Defense forms. As such, your right to an administrative hearing on this matter has been forfeited, and you are in a default position.

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

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

This letter is your last opportunity to resolve this matter informally by way of a stipulated settlement, before the default proceedings are commenced. If we do not reach a resolution, the enclosed documents will be placed on the Commission's agenda for the March 22, 2018 meeting. Please contact me at (916) 322-7771 or [ryang@fppc.ca.gov](mailto:ryang@fppc.ca.gov) if you wish to enter into a negotiated settlement.

Sincerely,



Ruth Yang  
Commission Counsel  
Enforcement Division

Enclosures