

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 the Committee and Ton, explicitly stated that a Notice of Defense must be filed in order to request a hearing. The Committee and Ton 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.

The Committee and Ton 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: 29 May 19



Galena West, Chief of Enforcement
Fair Political Practices Commission

ORDER

The Commission issues this Default Decision and Order and imposes an administrative penalty of \$43,000 upon the Committee, Santa Ana Committee for Safe Neighborhoods and Safe Access Supporting Measure BB and Opposing Measure CC and Van Ton, 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: _____

Richard C. Miadich, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Santa Ana Committee for Safe Neighborhoods and Safe Access Supporting Measure BB and Opposing Measure CC (the "Committee") is a committee primarily formed to support Measure BB and oppose Measure CC. Both measures appeared on the November 4, 2014 General Election ballot in the city of Santa Ana. Respondent Van Ton ("Ton") serves as the Committee's treasurer.

The Political Reform Act (the "Act")¹ requires recipient committees to disclose certain information about the campaign's financial activity. The Act also requires committees primarily formed to support or oppose a measure to file two pre-election campaign statements before the election in which the measure is listed on the ballot and to file 24-hour contribution reports within 24 hours of making or receiving late contributions. Additionally, the Act requires primarily formed committees to file two semi-annual campaign statements each year.

This matter arose out of a referral sent to the Fair Political Practices Commission's (the "Commission") Enforcement Division by the Secretary of State's Office (the "SOS") alleging that the Committee failed to pay a \$50 annual fee for 2013 and 2014 as well as the associated penalties.

As a committee primarily formed to support or oppose a measure and its treasurer, the Committee and Ton had a duty to disclose certain information about the campaign's financial activity and to file pre-election and semi-annual campaign statements as well as 24-hour contribution reports. The Committee and Ton failed to fully and accurately report contribution and expenditure information on two campaign statements. The Committee and Ton also failed to timely file one pre-election campaign statement, one 24-hour contribution report, and eight semi-annual campaign statements.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

When the Commission determines that there is probable cause for believing that the Act has been violated, it may hold a hearing to determine if a violation has occurred.² Notice of the hearing, and the hearing itself, must be conducted in accordance with the Administrative Procedure Act (the "APA").³ A hearing to determine whether the Act has been violated is initiated by the

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

² Section 83116.

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

filing of an accusation, which shall be a concise written statement of the charges, specifying the statutes and rules which the respondent is alleged to have violated.⁴

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

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

PROCEDURAL REQUIREMENTS AND HISTORY

A. Initiation of the Administrative Action

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

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

⁴ Section 11503.

⁵ Section 11506, subd. (a)(1)-(6).

⁶ Section 11506, subd. (c).

⁷ Section 11520, subd. (a).

⁸ Section 91000.5, subd. (a).

⁹ Section 83115.5.

¹⁰ Section 83115.5.

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

Documents supporting the procedural history are included in the attached Certification of Records (“Certification”) filed herewith at Exhibit 1, A-1 through A-23, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against the Committee and Ton in this matter by serving them with a Report in Support of a Finding of Probable Cause (the “Report”) (Certification, Exhibit A-1) by personal service,¹² on July 24, 2018. (Certification, Exhibit A-2.) The administrative action commenced on July 24, 2018, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on the Committee and Ton contained a cover letter and a memorandum describing probable cause proceedings, advising that the Committee and Ton 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.) The Committee and Ton did not request a probable cause conference or submit a written response to the Report.

The Committee and Ton were served with an Amended Report in Support of a Finding of Probable Cause (the “Amended Report”) (Certification, Exhibit A-4) by personal service, on October 2, 2018. (Certification, Exhibit A-5.)

As required by Section 83115.5, the packet served on the Committee and Ton contained a cover letter and a memorandum describing probable cause proceedings, advising that the Committee and Ton had 21 days in which to request a probable cause conference and/or to file a written response to the Amended Report. (Certification, Exhibit A-6.) The Committee and Ton did not request a probable cause conference or submit a written response to the Amended Report.

B. Ex Parte Request for a Finding of Probable Cause

Because the Committee and Ton failed to request a probable cause conference or submit a written response to the Report and the Amended Report by the statutory deadlines, 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 October 30, 2018. (Certification, Exhibit A-7.)

On November 28, 2018, Hearing Officer, John Feser, Legal Division, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on the Committee and Ton. (Certification, Exhibit A-8.)

¹¹ Section 91000.5.

¹² 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.¹³

Section 11503 states:

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

Upon the filing of the accusation, the agency must 1) serve a copy thereof on the respondent as provided in Section 11505, subdivision (c); 2) include a post card or other form entitled Notice of Defense that, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506; 3) include (i) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and that failure to do so will constitute a waiver of the respondent's right to a hearing, and (ii) copies of Sections 11507.5, 11507.6, and 11507.7.¹⁴ The APA also sets forth the language required in the accompanying statement to the respondent.¹⁵

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

On February 14, 2019, the Commission's Chief of Enforcement, Galena West, issued an Accusation against the Committee and Ton. (Certification, Exhibit A-9.) 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

¹³ Regulation 18361.4, subd. (e).

¹⁴ Section 11505, subd. (a).

¹⁵ Section 11505, subd. (b).

¹⁶ Section 11505, subd. (c).

11506, 11507.5, 11507.6, and 11507.7, were served upon the Committee and Ton on March 26, 2019. (Certification, Exhibit A-10.)

Along with the Accusation, the Enforcement Division served the Committee and Ton 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-11.) The Committee and Ton did not file a Notice of Defense within the statutory time period, which ended on April 10, 2019.

As a result, on April 25, 2019, the Enforcement Division sent a letter to the Committee and Ton advising that this matter would be submitted for a Default Decision and Order at the Commission’s public meeting scheduled for June 13, 2019. (Certification, Exhibit A-22.)

On May 23, 2019, the Enforcement Division sent another letter to the Committee and Ton advising that this matter would be submitted for a Default Decision and Order at the Commission’s public meeting scheduled for June 13, 2019. (Certification, Exhibit A-23.) 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 2014 and 2018. 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 committees to disclose all contributions received and expenditures made throughout a campaign.¹⁷ In furtherance of this purpose, the Act requires recipient committees to file campaign statements at specific times disclosing information regarding contributions received and expenditures made.¹⁸

The Act provides that each campaign statement must contain certain information about the campaign’s financial activity, including total contributions, total expenditures, and identifying information about sources of contributions and recipients of expenditures.¹⁹

Campaign contributions include a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, including non-monetary or in-kind

¹⁷ Section 81002, subd. (a).

¹⁸ Sections 84200 through 84225.

¹⁹ Section 84211.

contributions.²⁰ For contributions of \$100 or more, including loans, the statement must include the name, street address, occupation, employer, and amount received from each source.²¹

Campaign expenditures include a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment.²² For expenditures of \$100 or more, the statement must include the name of the payee, street address, amount of each expenditure, and a brief description of each expenditure.²³

In 2013, the Act defined a “committee” as any person or combination of persons who directly or indirectly receives contributions totaling \$1,000 or more in a calendar year.²⁴ This type of committee is commonly referred to as a “recipient” committee.

A primarily formed committee is defined as a recipient committee formed primarily to support or oppose a single candidate, a single measure, or a group of specific candidates or measures that will be voted upon in the same city, county, multicounty, or state election.²⁵

A committee primarily formed to support or oppose a measure must file two pre-election campaign statements before the election in which the measure is listed on the ballot. For the November 4, 2014 General Election, a committee was required to file a first pre-election campaign statement for the period ending September 30 no later than October 5.²⁶ A committee was 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.²⁷ When a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.²⁸

Each candidate or committee that makes or receives a late contribution must file a report within 24 hours of making or receiving the contribution.²⁹ A “late contribution” includes a contribution aggregating \$1,000 or more that is made or received by a candidate or his or her controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure, within 90 days before the date of the election at which the candidate or measure is to be voted on.³⁰ The late contribution period for the November 4, 2014 General Election began on August 6, 2014.

²⁰ Section 82015.

²¹ Section 84211, subd. (f).

²² Section 82025.

²³ Section 84211, subd. (k).

²⁴ Former Section 82013, subd. (a) (2013).

²⁵ Section 82047.5.

²⁶ Former Sections 84200.5 and 84200.7, subd. (b) (2014).

²⁷ Former Sections 84200.5 and 84200.7, subd. (b) (2014).

²⁸ Regulation 18116.

²⁹ Section 84203.

³⁰ Former Section 82036 (2014).

A primarily formed committee must file two semi-annual campaign statements each year no later than July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.³¹

Every committee must have a treasurer.³² It is the duty of the treasurer to ensure that the committee complies with all the requirements of the Act concerning the receipt, expenditure, and reporting of funds.³³ The treasurer may be held jointly and severally liable for violations committed by the committee.³⁴

SUMMARY OF THE EVIDENCE

The Committee filed an initial statement of organization with the SOS on June 19, 2013. (Certification, Exhibit A-12.) On the initial statement of organization, the Committee included its name “Santa Ana Committee for Safe Neighborhood and Safe Access” and indicated that it was primarily formed to support a medical marijuana initiative. The Committee also indicated that it qualified as a recipient committee on June 7, 2013. The Committee received a total of \$156,620 in contributions and made a total of \$156,630.98 in expenditures before the bank account was closed by the financial institution. The bank period of known activity was between May 4, 2013 and August 2, 2016, with the majority of the activity in 2013 and 2014.

The statement of organization was last amended on October 20, 2014, to list Ton as the Committee’s treasurer and replace an earlier treasurer. (Certification, Exhibit A-13.) On the amended statement of organization, the Committee indicated that it was primarily formed to support Measure BB and changed its name to “Santa Ana Committee for Safe Neighborhoods and Safe Access Supporting Measure BB and Opposing Measure CC”.

Ton signed numerous campaign statements filed by the Committee and appeared to be acting as the Committee’s treasurer before October 20, 2014, indicating that the amended statement of organization listing Ton as the Committee’s treasurer was filed late.

The Committee was successful in qualifying a measure for the ballot and made expenditures to support this measure and to oppose a competing measure. Both Measure BB and Measure CC sought to establish medical marijuana regulation and taxation ordinances within the City of Santa Ana. Both measures received over 50% in “yes” votes, but Measure BB received a greater number of “yes” votes and was therefore approved. (Certification, Exhibit A-14.)

Failure to Accurately Report Contributions and Expenditures

On February 5, 2014, the Committee filed a semi-annual campaign statement for the reporting period of July 1, 2013 through December 31, 2013. (Certification, Exhibit A-15.) On

³¹ Section 84200, subd. (a).

³² Section 84100.

³³ Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

³⁴ Sections 83116.5 and 91006.

May 5, 2014, the Committee filed an amended semi-annual campaign statement for the above-referenced reporting period. (Certification, Exhibit A-16.) Both campaign statements were signed by Ton and listed Ton as the Committee's treasurer. On the first statement, the Committee reported no activity. On the amended statement, the Committee accurately reported \$30,000 in contributions received on the Summary Page. The amended statement did not include the applicable Schedule to report the contributor information, including the name of the contributor, the address, the amount received, and the employer and occupation of individual contributors. The Committee's bank records show the source of the contributions were checks received from the following contributors (Certification, Exhibit A-17):

Date of Check	Date of Deposit	Name of Contributor	Amount
6/28/2013	7/12/2013	Together for Change Co-Op	\$7,500.00
7/6/2013	7/12/2013	Jennifer Flynn	\$1,000.00
7/6/2013	7/12/2013	J D Brown Construction	\$6,500.00
7/31/2013	8/6/2013	Acme Holdings, Inc.	\$7,500.00
8/2/2013	8/6/2013	Tam T. Nguyen	\$7,500.00
			\$30,000.00

On October 16, 2014, the Committee filed a pre-election campaign statement for the reporting period of July 1, 2014 through September 30, 2014. (Certification, Exhibit A-18.) The above-referenced statement was signed by Ton and listed Ton as the Committee's treasurer. On the Summary Page, the Committee reported \$25,000 in contributions received and \$26,000 in expenditures made. The statement did not include the applicable Schedule to report the expenditure information, including the name of the payee, the address, the amount of each expenditure, and description of the payment.

Additionally, the pre-election campaign statement is not consistent with the Committee's bank records. According to the Committee's bank records, during the reporting period of July 1, 2014 through September 30, 2014, the Committee's only expenditure was one \$3,000 payment made to the Hispanic 100 Foundation. (Certification, Exhibit A-19.) The Committee has not provided records to substantiate the campaign statement which disclosed \$26,000 in expenditures. It is unknown if the reporting was in error or if the funds were spent outside of the campaign bank account, however, the campaign statement as filed is incomplete and omits details on one confirmed expenditure.

Failure to File Campaign Statements and Reports

The Committee filed the first pre-election campaign statement for the reporting period of July 1, 2014 through September 30, 2014, on October 16, 2014, ten (10) days after the deadline. (Certification, Exhibit A-18.) The above-referenced statement was signed by Ton and listed Ton as the Committee's treasurer. The Committee reported an ending cash balance of \$4,249.25. The Committee and Ton failed to timely file the second pre-election campaign statement for the reporting period of October 1, 2014 through October 18, 2014, due on October 23, 2014. This statement has not been filed.

According to the Committee's bank records, the Committee made a payment of \$4,000 on October 24, 2014, to the committee Santa Ana Neighbors for Ethical Government opposing Pulido for Mayor, a primarily formed committee that opposed the election of Miguel Pulido for Mayor of the City of Santa Ana. (Certification, Exhibit A-20.) The Committee and Ton were required to file a 24-hour contribution report on the following Monday, October 27, 2014, since the filing deadline fell on Saturday, October 25, 2014. The Committee and Ton failed to file the required 24-hour contribution report. There was some public disclosure of this contribution before the election as the receiving committee reported this contribution on a 24-hour contribution report filed on or about October 29, 2014. (Certification, Exhibit A-21.)

According to the public access page for campaign electronic filings for the City of Santa Ana, the Committee has not filed any campaign statements since October 16, 2014. The Committee has not been terminated and continues to have a filing obligation.

The Committee and Ton have failed to timely file eight 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; January 1, 2016 through June 30, 2016; July 1, 2016 through December 31, 2016; January 1, 2017 through June 30, 2017; July 1, 2017 through December 31, 2017; and January 1, 2018 through June 30, 2018.

Annual Fee

The Committee filed the initial statement of organization with the SOS on June 19, 2013. Therefore, the Committee was required to pay a \$50 annual fee for 2013 within fifteen days after filing its statement of organization and then by January 15 each year thereafter. The Committee and Ton failed to timely pay the \$50 annual fee for 2013 through 2018 as well as the associated penalties. The SOS sent the Committee multiple notices regarding its failure to pay the annual fees and penalties and then referred the matter to the Enforcement Division.

Summary of Contact

The Enforcement Division contacted the Committee via U.S. Mail, email, and phone at least fourteen times in 2015 through 2019 regarding the delinquent annual fees and campaign statements. Ton contacted the Enforcement Division on December 4, 2018, and March 25, 2019, and indicated he would file the outstanding campaign statements. As of the date of this writing, the Committee and Ton have failed to timely file one pre-election campaign statement, one 24-hour report, and eight semi-annual campaign statements.

Overall, the Committee and Ton were contacted at least fourteen times regarding their duties to pay the annual fees and file campaign statements, as follows:

- August 12, 2015: letter from the Enforcement Division regarding the SOS referral
- November 3, 2015: letter from the Enforcement Division regarding the SOS referral

- February 7, 2017: emails from the Enforcement Division
- March 3, 2017: email from the Enforcement Division
- April 18, 2017: email from the Enforcement Division
- July 24, 2018: Report in Support of a Finding of Probable Cause served
- October 2, 2018: Amended Report in Support of a Finding of Probable Cause served
- October 30, 2018: copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed
- December 4, 2018: phone call from Ton
- December 4, 2018: email from the Enforcement Division
- January 30, 2019: email from the Enforcement Division
- February 20, 2019: email from the Enforcement Division
- February 28, 2019: email from the Enforcement Division
- March 25, 2019: email from Ton
- March 26, 2019: Accusation served upon the Committee and Ton
- April 25, 2019: letter from the Enforcement Division
- May 22, 2019: letter and email from the Enforcement Division

VIOLATIONS

The Committee and Ton committed 11 violations of the Act, as follows:

COUNT 1

Failure to Fully and Accurately Report Contributor and Expenditure Information

The Committee and Ton had a duty to disclose contributor information for five contributions of \$100 or more, totaling \$30,000, on a semi-annual campaign statement for the reporting period of July 1, 2013 through December 31, 2013. The Committee and Ton had a duty to disclose expenditure information for expenditures of \$100 or more, totaling \$26,000, on a pre-election campaign statement for the reporting period of July 1, 2014 through September 30, 2014. By failing to include full and accurate contributor information on this statement, the Committee and Ton violated Government Code Section 84211.

COUNT 2

Failure to Timely File a Pre-election Campaign Statement by October 23, 2014

The Committee and Ton had a duty to file a pre-election campaign statement for the reporting period of October 1, 2014 through October 18, 2014, by October 23, 2014.³⁵ By failing to timely file this statement, the Committee and Ton violated Government Code Sections 84200.5 and 84200.7.

³⁵ In the Accusation, Count 3 included a typographical error that has been corrected here. The original count erroneously cited the end of the reporting period as the same date the report was due.

COUNT 3

Failure to Timely File a 24-Hour Contribution Report

The Committee and Ton had a duty to file a 24-hour contribution report for a \$4,000 late contribution that was made to a local primarily formed committee on or about October 24, 2014, by October 27, 2014. By failing to timely file this report, the Committee and Ton violated Government Code Section 84203.

COUNT 4

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

The Committee and Ton had a duty to file a semi-annual campaign statement for the reporting period of October 19, 2014 through December 31, 2014, by February 2, 2015.³⁶ By failing to timely file this statement, the Committee and Ton violated Government Code Section 84200.

COUNT 5

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

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

COUNT 6

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

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

COUNT 7

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

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

³⁶ In the Accusation, Count 6 included a typographical error that has been corrected here. The original count erroneously cited the beginning of the reporting period as 7/1/2014; however, the semi-annual reporting period for a committee that had filed pre-election campaign statements would start on 10/19/2014.

COUNT 8

Failure to Timely File a Semi-Annual Campaign Statement by January 31, 2017

The Committee and Ton had a duty to file a semi-annual campaign statement for the reporting period of July 1, 2016 through December 31, 2016, by January 31, 2017. By failing to timely file this statement, the Committee and Ton violated Government Code Section 84200.

COUNT 9

Failure to Timely File a Semi-Annual Campaign Statement by July 31, 2017

The Committee and Ton had a duty to file a semi-annual campaign statement for the reporting period of January 1, 2017 through June 30, 2017, by July 31, 2017. By failing to timely file this statement, the Committee and Ton violated Government Code Section 84200.

COUNT 10

Failure to Timely File a Semi-Annual Campaign Statement by January 31, 2018

The Committee and Ton had a duty to file a semi-annual campaign statement for the reporting period of July 1, 2017 through December 31, 2017, by January 31, 2018. By failing to timely file this statement, the Committee and Ton violated Government Code Section 84200.

COUNT 11

Failure to Timely File a Semi-Annual Campaign Statement by July 31, 2018

The Committee and Ton had a duty to file a semi-annual campaign statement for the reporting period of January 1, 2018 through June 30, 2018, by July 31, 2018. By failing to timely file this statement, the Committee and Ton violated Government Code Section 84200.

CONCLUSION

This matter consists of 11 counts of violating the Act, which carry a maximum total administrative penalty of \$55,000.³⁷

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

³⁷ Section 83116, subd. (c).

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

In this matter, the Committee and Ton failed to fully and accurately report contribution and expenditure information on two campaign statements. The Committee and Ton also failed to timely file one pre-election campaign statement, one 24-hour contribution report, and eight semi-annual campaign statements. The failure to comply with these obligations denied the public information about the Committee's activity and the disposition of the Committee's \$4,249.25 cash balance as of September 30, 2014. The Committee and Ton also denied the voters important information regarding expenditures made before the November 4, 2014 General Election.

The Committee and Ton are aware of their obligation to file campaign statements and disclose certain information about the campaign's financial activity as they have been contacted at least fourteen times regarding this matter.

Ton has prior history of violating the Act. In the matter of Garden Grove Citizens for Safe Access, FPPC No 15/600, Ton stipulated to one count for failure to pay the annual fee (Section 84101.5) and paid a \$400 penalty. The Commission approved the stipulation at the November 2015 meeting.

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

Count 1

- *In the Matter of Violeta Alvarez, Re-Elect Violeta Alvarez for Bell City Council 2015, and Mario Estrada*, FPPC No. 15/150. (The Commission approved a default decision on October 18, 2018.) The respondents, among other violations, failed to timely disclose approximately \$9,235.24 in contributions received and \$9,899.24 in expenditures made on multiple campaign statements for the reporting periods of January 1, 2014 through December 31, 2015. The Commission imposed a penalty of \$3,000 for this violation.

Count 2

- *In the Matter of Gil Navarro Legal Defense Fund, Navarro for 47th Assembly 2014, and Gilbert "Gil" Navarro*, FPPC No. 16/137. (The Commission approved a default decision on April 19, 2018.) The respondents, among other violations, failed to timely file two pre-election campaign statements. The Commission imposed a penalty of \$5,000 per count.

Count 3

- *In the Matter of Committee to Clean House and Kevin McVey*, FPPC No. 15/2202. (The Commission approved a default decision on March 21, 2019.) The respondents, among other violations, failed to timely file five 24-hour contribution reports for contributions totaling \$7,631.50. The Commission imposed a penalty of \$3,500 for this violation.

Counts 4-11

- *In the Matter of Friends of Anna Song for County Board of Education 2016 and Anna Song*, FPPC No. 17/107. (The Commission approved a default decision on March 21, 2019.) The respondents failed to timely file two semi-annual campaign statements although the statements were ultimately filed. The Commission imposed a penalty of \$4,000 per count.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, the following penalty is recommended:

Counts	Type	Penalty/Count
1	Failure to Report Contribution Information	\$3,000
2	Failure to Timely File Pre-Election Campaign Statement	\$5,000
3	Failure to File a 24-Hour Report	\$3,000
4	Failure to Timely File Semiannual Campaign Statements	\$4,000
5	Failure to Timely File Semiannual Campaign Statements	\$4,000
6	Failure to Timely File Semiannual Campaign Statements	\$4,000
7	Failure to Timely File Semiannual Campaign Statements	\$4,000
8	Failure to Timely File Semiannual Campaign Statements	\$4,000
9	Failure to Timely File Semiannual Campaign Statements	\$4,000
10	Failure to Timely File Semiannual Campaign Statements	\$4,000
11	Failure to Timely File Semiannual Campaign Statements	\$4,000
	TOTAL	\$43,000



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

CERTIFICATION OF RECORDS

The undersigned declares and certifies as follows:

1. I am employed as an Associate Governmental Program Analyst by the California Fair Political Practices Commission (Commission). My business address is: California Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811.
2. I am a duly authorized custodian of the records maintained by the Commission in the Enforcement Division. As such, I am authorized to certify copies of those records as being true and correct copies of the original business records which are in the custody of the Commission.
3. I have reviewed documents maintained in *FPPC Case No. 15/1004; Santa Ana Committee for Safe Neighborhoods and Safe Access Supporting Measure BB and Opposing Measure CC and Van Ton*, 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 July 6, 2018

EXHIBIT A-2: Proof of Service on July 24, 2018, for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations from process server, dated July 31, 2018

EXHIBIT A-3: Cover letter to the respondents regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations dated July 6, 2018

EXHIBIT A-4: Amended Report in Support of a Finding of Probable Cause, dated September 17, 2018

- EXHIBIT A-5: Proof of Service on October 2, 2018, for the Amended Report in Support of a Finding of Probable Cause and applicable statutes and regulations from process server, dated October 3, 2018
- EXHIBIT A-6: Cover letter to the respondents regarding the Amended Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated September 17, 2018
- EXHIBIT A-7: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated October 30, 2018
- EXHIBIT A-8: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated November 28, 2018, and Proof of Service, dated November 28, 2018
- EXHIBIT A-9: Accusation, dated February 14, 2019
- EXHIBIT A-10: Proof of Service on March 26, 2019, for Accusation and accompanying documents from process server, dated March 26, 2019
- EXHIBIT A-11: Statement to Respondents, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated February 14, 2019
- EXHIBIT A-12: Initial statement of organization, filed on June 19, 2013
- EXHIBIT A-13: Amended statement of organization, filed on October 20, 2014
- EXHIBIT A-14: City of Santa Ana, Election Results for Measures Only by Year, page 12 of 13, provided by the City Clerk
- EXHIBIT A-15: Semi-annual campaign statement for the reporting period of July 1, 2013 through December 31, 2013, filed on February 5, 2014
- EXHIBIT A-16: Amended semi-annual campaign statement for the reporting period of July 1, 2013 through December 31, 2013, filed on May 5, 2014
- EXHIBIT A-17: Checks for five contributions totaling \$30,000, dated between June 28, 2013 and August 2, 2013
- EXHIBIT A-18: Pre-election campaign statement for the reporting period of July 1, 2014 through September 30, 2014, filed on October 16, 2014
- EXHIBIT A-19: Bank statements for the period of July 1, 2014 through September 30, 2014, and a check for \$3,000 payable to the Hispanic 100 Foundation, dated September 28, 2014

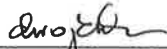
EXHIBIT A-20: Bank statement for the period October 1, 2014 through October 31, 2014, and a check for \$4,000 payable to Santa Ana Neighbors for Ethical Government, dated October 24, 2014

EXHIBIT A-21: 24-hour report filed on October 29, 2014, by the committee Santa Ana Neighbors for Ethical Government opposing Pulido for Mayor

EXHIBIT A-22: Notice of Default Decision and Order, dated April 25, 2019

EXHIBIT A-23: Notice of Intent to Enter Default Decision and Order, dated May 23, 2019

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 23, 2019, at Sacramento, California.



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

Exhibit A-1

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

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

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

11 In the Matter of) FPPC No. 15/1004
12)
13) **REPORT IN SUPPORT OF A FINDING OF**
14) **PROBABLE CAUSE**
15) Conference Date: TBA
16) Conference Time: TBA
17) Conference Location: Commission Offices
18) 1102 Q Street, Suite 3000
19) Sacramento, CA 95811
20)
21)
22) Respondents.
23)
24)
25)

26 **INTRODUCTION**

27 Respondent Santa Ana Committee for Safe Neighborhoods and Safe Access Supporting Measure
28 BB and Opposing Measure CC (“Committee”) is a committee primarily formed to support Measure BB
and oppose Measure CC. Both measures appeared on the November 4, 2014 ballot in the city of Santa
Ana. Respondent David Welch (“Welch”) is the principal officer. Respondent Craig Wald (“Wald”) and
Van Ton (“Ton”) served as the Committee’s treasurer. The Committee violated the Political Reform Act¹

¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to this source.

1 (the “Act”) by failing to accurately complete campaign statements, failing to file campaign statements,
2 and failing to pay the annual fee to the Secretary of State.

3 **SUMMARY OF THE LAW**

4 All legal references and discussions of law pertain to the Act’s provisions as they existed at the
5 time of the violations.

6 Jurisdiction

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

9 Probable Cause Proceedings

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

15 Standard for Finding Probable Cause

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

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

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

23
24 ² Section 83116.

25 ³ Section 83115.5 and Regulations 18361 and 18361.4.

26 ⁴ Section 11500, et seq.

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

28 ⁶ Section 18361.4, subd. (e).

⁷ Section 81001, subd. (h).

⁸ Section 81003.

1 A central purpose of the Act is to ensure voters are fully informed and improper practices are
2 inhibited by requiring committees to disclose all contributions and expenditures made throughout a
3 campaign.⁹ Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously
4 enforced.”¹⁰

5 Campaign Reporting

6 The Act provides that each campaign statement must contain certain information about the
7 campaign’s financial activity, including total contributions, total expenditures, and identifying
8 information about sources of contributions and recipients of expenditures.¹¹ Campaign contributions
9 include payments, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise
10 to make a payment, including non-monetary or in-kind contributions.¹² For contributions of \$100 or
11 more, including loans, the statement must include the name, street address, occupation, employer, and
12 amount received from each source.¹³

13 Campaign expenditures include monetary payments, forgiveness of a loan, payment of a loan by
14 a third party, or an enforceable promise to make a payment.¹⁴ For expenditures of \$100 or more, the
15 statement must include the name of the payee, the street address, the amount of each expenditure, and a
16 brief description of each expenditure.¹⁵

17 Pre-Election Campaign Statements

18 A committee primarily formed to support or oppose a measure must file two pre-election
19 campaign statements before the election in which the measure is listed on the ballot. For the general
20 election, a committee must file a first pre-election campaign statement for the period ending September
21 30 no later than October 5. A committee must also file a second pre-election campaign statement for the
22

23 ⁹ Section 81002, subd. (a).

24 ¹⁰ Section 81002, subd. (f).

25 ¹¹ Section 84211.

26 ¹² Section 82015.

27 ¹³ Section 84211, subdivision (f).

28 ¹⁴ Section 82025.

¹⁵ Section 84211, subdivision (k).

1 period ending 17 days before the election no later than 12 days before the election.¹⁶ Whenever the
2 deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a statement shall be
3 extended to the next regular business day.¹⁷

4 24-Hour Reports

5 Each candidate or committee that makes or receives a late contribution must file a report within
6 24 hours of making or receiving the contribution.¹⁸ A “late contribution” includes a contribution
7 aggregating \$1,000 or more that is made or received by a candidate or his or her controlled committee,
8 or a committee formed or existing primarily to support or oppose a candidate or measure, within 90 days
9 before the date of the election at which the candidate or measure is to be voted on.¹⁹ The late contribution
10 period for the November 4, 2014 General Election began on August 6, 2014.

11 Semiannual Campaign Statements

12 A primarily formed committee must file two semiannual campaign statements each year no later
13 than July 31 for the period ending June 30 and no later than January 31 for the period ending December
14 31.²⁰

15 Annual Fee

16 Each committee required to file a statement of organization must pay the SOS a \$50 annual fee
17 no later than fifteen days after filing its statement of organization and then by January 15 each year
18 thereafter until the committee is terminated.²¹ A committee that fails to timely pay the \$50 annual fee is
19 subject to a penalty equal to three times the amount of the fee. The Commission is required to enforce
20 this provision of the Act.²²

21
22
23 //

24 ¹⁶ Sections 84200.5 and Former 84200.7, subd. (b) (2014).
25 ¹⁷ Regulation 18116, subd. (a).
26 ¹⁸ Section 84203.
27 ¹⁹ Former Section 82036 (2014).
28 ²⁰ Section 84200, subd. (a).
²¹ Section 84101.5, subd. (b) and (c).
²² Section 84101.5, subd. (d).

1 Joint and Several Liability of Committee and Principal Officer

2 Every committee must have a treasurer.²³ Committees must also identify a principal officer.²⁴
3 This individual is primarily responsible for approving the political activities of the committee,
4 including, but not limited to, authorizing the content of communications, authorizing expenditures,
5 including contributions, on behalf of the committee, and determining the committee's campaign
6 strategy.²⁵ It is the duty of the treasurer and the principal officer to ensure that the committee complies
7 with all the requirements of the Act concerning the receipt, expenditure, and reporting of funds.²⁶ The
8 treasurer and the principal officer may be held jointly and severally liable, along with the committee,
9 for violations committed by the committee.²⁷

10 **SUMMARY OF THE EVIDENCE**

11 The Committee qualified as a primarily formed committee on or about May 4, 2013 after
12 receiving an initial contribution of \$7,500. On the Statement of Organization, filed with the Secretary
13 of State on June 19, 2013, the Committee reported that Welch was the principal officer and Wald was
14 the treasurer. Ton became the Committee's treasurer on or about October 20, 2014 when the Committee
15 filed an amended Statement of Organization with the Secretary of State. The Committee has not been
16 terminated and continues to have a filing obligation.

17 The Committee was successful in qualifying a measure for the ballot and made expenditures to
18 oppose a competing measure. Both measure BB and CC sought to establish medical marijuana regulation
19 and taxation schemes within the City of Santa Ana. Both measures received over 50% in "yes" votes,
20 but Measure BB received a greater number of "yes" votes and was therefore approved. According to
21 bank records, the Committee received a total of \$156,620 in contributions and made a total of
22 \$156,630.98 in expenditures before the bank account was closed by the financial institution. The bank
23 period of known activity was between May 4, 2013 and August 2, 2016, with the majority of the activity
24 in 2013 and 2014.

25 ²³ Section 84100.

26 ²⁴ Section 84102, subd. (c).

27 ²⁵ Section 82047.6.

28 ²⁶ Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

²⁷ Sections 83116.5 and 91006.

1 Failure to Accurately Report Contributions and Expenditures

2 The Committee filed a campaign statement on February 5, 2014 and an amendment on May 5,
3 2014 for the reporting period of July 1, 2013 through December 31, 2013. The first statement reported
4 no activity and the amended statement reported, accurately, \$30,000 in contributions. The amended
5 statement did not include the Schedule to report the contributor information. Though he was not yet the
6 treasurer of record, Ton signed both statements as treasurer. The statement did not disclose the following
7 required information:

8

Date of Check	Date of Deposit	Name of Contributor	Amount
6/28/2013	7/12/2013	Together for Change Co-Op	7,500.00
7/6/2013	7/12/2013	Jennifer Flynn	1,000.00
7/6/2013	7/12/2013	J D Brown Construction	6,500.00
7/31/2013	8/6/2013	Acme Holdings, Inc.	7,500.00
8/2/2013	8/6/2013	Tam T. Nguyen	7,500.00
			30,000.00

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16 The Committee filed a campaign statement on October 16, 2014 for the reporting period of July
17 1, 2014 through September 30, 2014. The summary page of the statement reported \$25,000 in
18 contributions and \$26,000 in expenditures. The statement did not include the schedule page for
19 expenditures. As a result, the Committee omitted the required information about the payments made
20 such as payee, amount of each expenditure, and description of the payment. In addition to this
21 nonreporting, the statement is not consistent with bank records for the Committee. The Committee's
22 bank records show only a \$3,000 payment to the Hispanic 100 Foundation. The bank records show no
23 other activity. The Committee has not provided records to substantiate the campaign statement. It is
24 unknown if the reporting was in error or if funds were spent outside of the campaign bank account.

25
26 //

1 Failure to file campaign statements

2 The Committee filed a pre-election campaign statement for the reporting period of July 1, 2014
3 through September 30, 2014, on October 16, 2014, ten (10) days after the deadline. On the last campaign
4 statement, the Committee reported an ending cash balance of \$4,249.25. The Committee failed to file
5 the second pre-election campaign statement for the reporting period of October 1 through October 18,
6 2014 due on October 23, 2014.

7 According to bank records, the Committee made a payment of \$4,000 to the Committee, Santa
8 Ana Neighbors for Ethical Governments, opposing Pulido for Mayor with support from Dyer 18 Holding
9 LLC, a primarily formed committee that opposed the election of Miguel Pulido for Mayor of the City
10 of Santa Ana. The check was dated on October 24, 2014. The Committee was required to file a late
11 contribution report within 24 hours of making the contribution. This report was required to be filed on
12 or about October 27, 2014, but the Committee failed to file the 24-hour report. There was some public
13 disclosure of this contribution as the receiving committee reported this contribution on a 24-hour report
14 on or about October 29, 2014.

15 Additionally, the Committee has not filed any statements since October 16, 2014 and has not
16 terminated. The Committee has missed the filing deadline for seven semiannual campaign statements
17 for the reporting periods covering October 19, 2014 through December 31, 2017.

18 Annual Fee

19 The Committee filed an initial Statement of Organization with the SOS on June 19, 2013.
20 Therefore, the Committee was required to pay the \$50 annual fee for 2013 within fifteen days after filing
21 its statement of organization and then by January 15 each year thereafter. The SOS sent the Committee
22 multiple notices regarding its failure to pay the delinquent annual fees and penalties, and then referred
23 the matter to the Enforcement Division. The Committee violated the Act by failing to timely pay the
24 \$50 annual fee for 2013 through 2018 as well as the associated penalties.

25 As of June 15, 2018, the Committee, Welch, and Ton have failed to file the outstanding campaign
26 statements and pay the required annual fees and penalties.

1 **VIOLATIONS**

2 Count 1: Failure to Timely Pay the 2013 Annual Fee

3 The Committee, Welch, and Wald failed to timely pay the 2013 annual fee within 15 days of
4 filing a statement of organization and failed to pay a penalty of \$150 for failing to timely pay the annual
5 fee, in violation of Section 84101.5, subdivisions (b) and (d).

6 Count 2: Failure to Timely Pay the 2014 Annual Fee

7 The Committee, Welch, and Wald failed to timely pay the 2014 annual fee by the January 15,
8 2014 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of
9 Section 84101.5, subdivisions (c) and (d).

10 Count 3: Failure to Fully and Accurately Report Contributor Information

11 The Committee, Welch, and Wald failed to fully and accurately disclose contributor information
12 on a semiannual campaign statement for the period July 1, 2013 through December 31, 2013 in violation
13 of Section 84211, subdivision (f).

14 Count 4: Failure to Fully and Accurately Report Contribution and Expenditure Information

15 The Committee, Welch, and Wald failed to fully and accurately disclose the Committee's
16 contribution and expenditure information on a pre-election campaign statement for the period of July 1,
17 2014 through September 30, 2014 in violation of Section 84211.

18 Count 5: Failure to Timely File a Pre-election Campaign Statement

19 The Committee, Welch, and Ton failed to timely file the pre-election campaign statement due
20 on October 23, 2014, in violation of Section 84200.5 and 84200.7.

21 Count 6: Failure to Timely File a 24-Hour Report

22 The Committee, Welch, and Ton failed to timely file a 24-hour report to disclose the \$4,000
23 contribution made on or about October 24, 2014, in violation of Section 84203.

24 Count 7: Failure to Timely Pay the 2015 Annual Fee

25 The Committee, Welch, and Ton failed to timely pay the 2015 annual fee by the January 15,
26 2015 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of
27 Section 84101.5, subdivisions (c) and (d).

1 Count 8: Failure to Timely File a Semiannual Campaign Statement

2 The Committee, Welch, and Ton failed to timely file the semiannual campaign statement due on
3 February 2, 2015, in violation of Section 84200.

4 Count 9: Failure to Timely File a Semiannual Campaign Statement

5 The Committee, Welch, and Ton failed to timely file the semiannual campaign statement due on
6 July 31, 2015, in violation of Section 84200.

7 Count 10: Failure to Timely Pay the 2016 Annual Fee

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

11 Count 11: Failure to Timely File a Semiannual Campaign Statement

12 The Committee, Welch, and Ton failed to timely file the semiannual campaign statement due on
13 February 1, 2016, in violation of Section 84200.

14 Count 12: Failure to Timely File a Semiannual Campaign Statement

15 The Committee, Welch, and Ton failed to timely file the semiannual campaign statement due on
16 August 1, 2016, in violation of Section 84200.

17 Count 13: Failure to Timely Pay the 2017 Annual Fee

18 The Committee and Ton failed to timely pay the 2017 annual fee by the January 16, 2017 due
19 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
20 84101.5, subdivisions (c) and (d).

21 Count 14: Failure to Timely File a Semiannual Campaign Statement

22 The Committee, Welch, and Ton failed to timely file the semiannual campaign statement due on
23 January 31, 2017, in violation of Section 84200.

24 Count 15: Failure to Timely File a Semiannual Campaign Statement

25 The Committee, Welch, and Ton failed to timely file the semiannual campaign statement due on
26 July 31, 2017, in violation of Section 84200.

27 //

1 Count 16: Failure to Timely Pay the 2017 Annual Fee

2 The Committee, Welch, and Ton failed to timely pay the 2018 annual fee by the January 16,
3 2018 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 17: Failure to Timely File a Semiannual Campaign Statement

6 The Committee, Welch, and Ton failed to timely file the semiannual campaign statement due on
7 January 31, 2018, in violation of Section 84200.

8 **EXCULPATORY OR MITIGATING INFORMATION**

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

10 **OTHER RELEVANT MATERIAL**

11 The Committee, Welch, and Ton have failed to file the outstanding campaign statements and
12 disclose the Committee's activity and report the disposition of the Committee's remaining funds.

13 **CONCLUSION**

14 Probable cause exists to believe that the Committee, Welch, and Ton violated the Act as
15 described above. The Enforcement Division respectfully requests an order finding probable cause
16 pursuant to Section 83115.5 and Regulation 18361.4.

17 Dated: 7/12/18

18
19 Respectfully Submitted,

20 **FAIR POLITICAL PRACTICES COMMISSION**
21 Galena West
22 Enforcement Chief

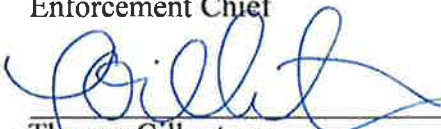
23 
24 By: Theresa Gilbertson
25 Commission Counsel
26 Enforcement Division

Exhibit A-2

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

FOR COURT USE ONLY

N/A

California Fair Political Practices Commission
1102 Q. Street, Suite 3000 Sacramento, CA 95811

TELEPHONE NO.: (916) 322-8185 | FAX NO.

E-MAIL ADDRESS: sgevorkyan@fppc.ca.gov

ATTORNEY FOR :

NONE

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE: , CA

BRANCH NAME:

PLAINTIFF: In the Matter of: Santa Ana Committee for safe neighborhoods and safe access
supporting measure
DEFENDANT:

CASE NUMBER:

15/1004

PROOF OF SERVICE

Ref. No. or File No.:

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

Report in Support of a Finding of Probable cause

PARTY SERVED: Van Ton

DATE & TIME OF DELIVERY: 7/24/2018
8:46 AM

ADDRESS, CITY, AND STATE: [REDACTED]

PHYSICAL DESCRIPTION: Age: 35-38 Race: Asian Sex: Male Height: 5'9" Weight: 200lbs Eyes: brown Hair: bald

MANNER OF SERVICE:

Personal Service - By personally delivering copies.

FILED by FAX

Fee for Service: \$ 58.50

USA County: Los Angeles
Registration No.: 2014220066
USA Express Legal & Investigative Services, Inc.
21031 Ventura Blvd., Suite 920
Woodland Hills, CA 91364
(877) 872-3977



I declare under penalty of perjury under the laws of the
The State of California that the foregoing information
contained in the return of service and statement of
service fees is true and correct and that this declaration
was executed on July 31, 2018.

Signature: Emma Perry
Emma Perry

PROOF OF SERVICE

Exhibit A-3



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

July 6, 2018

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

David Welch
C/O Gary Winuk
Kaufman Legal Group
621 Capitol Mall, Suite 1900
Sacramento, CA 95814

Craig Wald
[REDACTED]

Van Ton
[REDACTED]

**In the Matter of SANTA ANA COMMITTEE FOR SAFE NEIGHBORHOODS AND SAFE
ACCESS SUPPORTING MEASURE BB AND OPPOSING MEASURE CC, DAVID
WELCH, CRAIG WALD, AND VAN TON, FPPC No. 15/1004**

Dear All:

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"). 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 1102 Q Street, Suite 3000, Sacramento, CA 95811. 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.

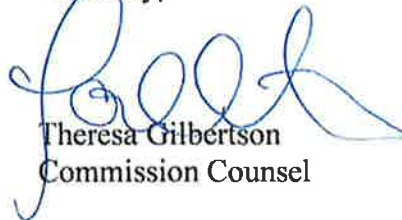
Please note that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. ***If you are interested in resolving this matter by means of a settlement, please contact me at (916) 323-6421 or tgilbertson@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,



Theresa Gilbertson
Commission Counsel

Enclosures

PROBABLE CAUSE FACT SHEET

INTRODUCTION

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

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

THE LAW

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

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

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

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

THE PROCEDURE

Probable Cause Report

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

Discovery

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

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

Response to Probable Cause Report

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

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

Staff Reply

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

Probable Cause Conference

Probable cause conferences are held at the offices of the Fair Political Practices Commission, which is located at 1102 Q Street, Suite 3000, Sacramento, CA 95811. You may appear at the conference in person or by telephone. The proceedings are not public unless all proposed respondents agree to open the conference to the public. Otherwise, the probable cause report, any written responses, and the probable cause conference itself are confidential.

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

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

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

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

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

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

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

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

Probable Cause Order and Accusation

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

Continuances

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

Settlements

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

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

CONCLUSION

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

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

CALIFORNIA GOVERNMENT CODE

Probable Cause Statutes

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

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

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

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

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

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

Probable Cause Regulations

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

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

§ 18361.4. Probable Cause Proceedings

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

§ 18362. Access to Enforcement Records

(a) Production of Enforcement Records. The Commission will make complaints, investigative files, and related records available to the public and members of the media in accordance with the Public Records Act (Government Code Section 6250, et seq.) Enforcement records requests should specifically identify the documents sought.

(b) Format of Enforcement Records. The Commission will make records available for inspection at its office during office hours. The Commission may provide copies of requested records either in paper or electronic format to the person that requested the records in lieu of inspecting the records at the Commission offices. Any person requesting paper copies of records must reimburse the Commission ten cents (\$0.10) per page to pay the cost of copying, or supply copying equipment and make copies in the offices of the Commission. Original records of the Commission may not be removed from the offices of the Commission.

(c) Complaint Notice Period. The Commission may not provide or make available complaints or related records until after the disclosure periods provided in Regulation 18360.

§ 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

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

6 Attorneys for Complainant
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. 15/1004

12)
13) **SANTA ANA COMMITTEE**
FOR SAFE NEIGHBORHOODS
AND SAFE ACCESS SUPPORTING
14 **MEASURE BB AND OPPOSING**
15 **MEASURE CC AND VAN TON,**

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

) Conference Date: TBA
) Conference Time: TBA
) Conference Location: Commission Offices
1102 Q Street, Suite 3000
Sacramento, CA 95811

16 Respondents.
17)
18)

19 **INTRODUCTION**

20 Respondent Santa Ana Committee for Safe Neighborhoods and Safe Access Supporting Measure
21 BB and Opposing Measure CC (“Committee”) is a committee primarily formed to support Measure BB
22 and oppose Measure CC. Both measures appeared on the November 4, 2014 ballot in the city of Santa
23 Ana. Van Ton (“Ton”) served as the Committee’s treasurer. The Committee and Ton violated the Political
24 Reform Act¹ (the “Act”) by failing to accurately complete campaign statements, failing to file campaign
25 statements, and failing to pay the annual fee to the Secretary of State.

26
27 ¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code
sections 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices

1 **SUMMARY OF THE LAW**

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

4 Jurisdiction

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

7 Probable Cause Proceedings

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

13 Standard for Finding Probable Cause

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

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

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

21 A central purpose of the Act is to ensure voters are fully informed and improper practices are
22 inhibited by requiring committees to disclose all contributions and expenditures made throughout a

23 _____
Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All
regulatory references are to this source.

24 ² Section 83116.

25 ³ Section 83115.5 and Regulations 18361 and 18361.4.

26 ⁴ Section 11500, et seq.

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

28 ⁶ Section 18361.4, subd. (e).

⁷ Section 81001, subd. (h).

⁸ Section 81003.

1 campaign.⁹ Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously
2 enforced.”¹⁰

3 Campaign Reporting

4 The Act provides that each campaign statement must contain certain information about the
5 campaign’s financial activity, including total contributions, total expenditures, and identifying
6 information about sources of contributions and recipients of expenditures.¹¹ Campaign contributions
7 include payments, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise
8 to make a payment, including non-monetary or in-kind contributions.¹² For contributions of \$100 or
9 more, including loans, the statement must include the name, street address, occupation, employer, and
10 amount received from each source.¹³

11 Campaign expenditures include monetary payments, forgiveness of a loan, payment of a loan by
12 a third party, or an enforceable promise to make a payment.¹⁴ For expenditures of \$100 or more, the
13 statement must include the name of the payee, the street address, the amount of each expenditure, and a
14 brief description of each expenditure.¹⁵

15 Pre-Election Campaign Statements

16 A committee primarily formed to support or oppose a measure must file two pre-election
17 campaign statements before the election in which the measure is listed on the ballot. For the general
18 election, a committee must file a first pre-election campaign statement for the period ending September
19 30 no later than October 5. A committee must also file a second pre-election campaign statement for the
20 period ending 17 days before the election no later than 12 days before the election.¹⁶ Whenever the
21
22

23 ⁹ Section 81002, subd. (a).

24 ¹⁰ Section 81002, subd. (f).

25 ¹¹ Section 84211.

26 ¹² Section 82015.

27 ¹³ Section 84211, subdivision (f).

28 ¹⁴ Section 82025.

¹⁵ Section 84211, subdivision (k).

¹⁶ Sections 84200.5 and Former 84200.7, subd. (b) (2014).

1 deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a statement shall be
2 extended to the next regular business day.¹⁷

3 24-Hour Reports

4 Each candidate or committee that makes or receives a late contribution must file a report within
5 24 hours of making or receiving the contribution.¹⁸ A “late contribution” includes a contribution
6 aggregating \$1,000 or more that is made or received by a candidate or his or her controlled committee,
7 or a committee formed or existing primarily to support or oppose a candidate or measure, within 90 days
8 before the date of the election at which the candidate or measure is to be voted on.¹⁹ The late contribution
9 period for the November 4, 2014 General Election began on August 6, 2014.

10 Semiannual Campaign Statements

11 A primarily formed committee must file two semiannual campaign statements each year no later
12 than July 31 for the period ending June 30 and no later than January 31 for the period ending December
13 31.²⁰

14 Annual Fee

15 Each committee required to file a statement of organization must pay the SOS a \$50 annual fee
16 no later than fifteen days after filing its statement of organization and then by January 15 each year
17 thereafter until the committee is terminated.²¹ A committee that fails to timely pay the \$50 annual fee is
18 subject to a penalty equal to three times the amount of the fee. The Commission is required to enforce
19 this provision of the Act.²²

20 Joint and Several Liability of Committee and Treasurer

21 Every committee must have a treasurer.²³ It is the duty of the treasurer to ensure that the
22 committee complies with all the requirements of the Act concerning the receipt, expenditure, and
23

24 ¹⁷ Regulation 18116, subd. (a).

25 ¹⁸ Section 84203.

26 ¹⁹ Former Section 82036 (2014).

27 ²⁰ Section 84200, subd. (a).

28 ²¹ Section 84101.5, subd. (b) and (c).

²² Section 84101.5, subd. (d).

²³ Section 84100.

1 reporting of funds.²⁴ The treasurer may be held jointly and severally liable for violations committed by
2 the committee.²⁵

3 SUMMARY OF THE EVIDENCE

4 The Committee qualified as a primarily formed committee on or about May 4, 2013 after
5 receiving an initial contribution of \$7,500. The Statement of Organization was amended on or about
6 October 20, 2014 to list Ton as the treasurer, however, Ton filed and signed for numerous statements
7 and appeared to be acting as the treasurer, indicating that the amendment was filed late. The Committee
8 has not been terminated and continues to have a filing obligation.

9 The Committee was successful in qualifying a measure for the ballot and made expenditures to
10 oppose a competing measure. Both measure BB and CC sought to establish medical marijuana regulation
11 and taxation schemes within the City of Santa Ana. Both measures received over 50% in “yes” votes,
12 but Measure BB received a greater number of “yes” votes and was therefore approved. According to
13 bank records, the Committee received a total of \$156,620 in contributions and made a total of
14 \$156,630.98 in expenditures before the bank account was closed by the financial institution. The bank
15 period of known activity was between May 4, 2013 and August 2, 2016, with the majority of the activity
16 in 2013 and 2014.

17 Failure to Accurately Report Contributions and Expenditures

18 The Committee filed a campaign statement on February 5, 2014 and an amendment on May 5,
19 2014 for the reporting period of July 1, 2013 through December 31, 2013. Both statements were signed
20 by Ton and list Ton as the Committee’s treasurer. The first statement reported no activity and the
21 amended statement reported, accurately, \$30,000 in contributions. The amended statement did not
22 include the Schedule to report the contributor information. The statement did not disclose the following
23 required information:

24 //

25
26
27 ²⁴ Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

²⁵ Sections 83116.5 and 91006.

Date of Check	Date of Deposit	Name of Contributor	Amount
6/28/2013	7/12/2013	Together for Change Co-Op	7,500.00
7/6/2013	7/12/2013	Jennifer Flynn	1,000.00
7/6/2013	7/12/2013	J D Brown Construction	6,500.00
7/31/2013	8/6/2013	Acme Holdings, Inc.	7,500.00
8/2/2013	8/6/2013	Tam T. Nguyen	7,500.00
			30,000.00

Ton filed a campaign statement on October 16, 2014 for the reporting period of July 1, 2014 through September 30, 2014. The summary page of the statement reported \$25,000 in contributions and \$26,000 in expenditures. The statement did not include the schedule page for expenditures. As a result, the Committee omitted the required information about the payments made such as payee, amount of each expenditure, and description of the payment. In addition to this nonreporting, the statement is not consistent with bank records for the Committee. The Committee's bank records show only a \$3,000 payment to the Hispanic 100 Foundation. The bank records show no other activity. The Committee has not provided records to substantiate the campaign statement. It is unknown if the reporting was in error or if funds were spent outside of the campaign bank account.

Failure to file campaign statements

Ton filed a pre-election campaign statement for the reporting period of July 1, 2014 through September 30, 2014, on October 16, 2014, ten (10) days after the deadline. On the last campaign statement, the Committee reported an ending cash balance of \$4,249.25. Though a violation of the Act, the late filing of this statement is not being charged separately. The Committee failed to file the second pre-election campaign statement for the reporting period of October 1 through October 18, 2014 due on October 23, 2014.

According to bank records, the Committee made a payment of \$4,000 to the Committee, Santa Ana Neighbors for Ethical Governments, opposing Pulido for Mayor with support from Dyer 18 Holding LLC, a primarily formed committee that opposed the election of Miguel Pulido for Mayor of the City

1 of Santa Ana. The check was dated on October 24, 2014. The Committee was required to file a late
2 contribution report within 24 hours of making the contribution. This report was required to be filed on
3 or about October 27, 2014, but the Committee failed to file the 24-hour report. There was some public
4 disclosure of this contribution as the receiving committee reported this contribution on a 24-hour report
5 on or about October 29, 2014.

6 Additionally, the Committee has not filed any statements since October 16, 2014 and has not
7 terminated. The Committee has missed the filing deadline for eight semiannual campaign statements for
8 the reporting periods covering October 19, 2014 through June 30, 2018.

9 Annual Fee

10 The Committee filed an initial Statement of Organization with the SOS on June 19, 2013.
11 Therefore, the Committee was required to pay the \$50 annual fee for 2013 within fifteen days after filing
12 its statement of organization and then by January 15 each year thereafter. The SOS sent the Committee
13 multiple notices regarding its failure to pay the delinquent annual fees and penalties, and then referred
14 the matter to the Enforcement Division. The Committee and Ton violated the Act by failing to timely
15 pay the \$50 annual fee for 2015 through 2018, as well as the associated penalties.

16 As of September 17, 2018, the Committee and Ton have failed to file the outstanding campaign
17 statements and pay the required annual fees and penalties.

18 **VIOLATIONS**

19 Count 1: Failure to Fully and Accurately Report Contributor Information

20 The Committee and Ton failed to fully and accurately disclose contributor information on a
21 semiannual campaign statement for the period July 1, 2013 through December 31, 2013 in violation of
22 Section 84211, subdivision (f).

23 Count 2: Failure to Fully and Accurately Report Contribution and Expenditure Information

24 The Committee and Ton failed to fully and accurately disclose the Committee's contribution and
25 expenditure information on a pre-election campaign statement for the period of July 1, 2014 through
26 September 30, 2014 in violation of Section 84211.

1 Count 3: Failure to Timely File a Pre-election Campaign Statement

2 The Committee and Ton failed to timely file the pre-election campaign statement due on October
3 23, 2014, in violation of Section 84200.5 and 84200.7.

4 Count 4: Failure to Timely File a 24-Hour Report

5 The Committee and Ton failed to timely file a 24-hour report to disclose the \$4,000 contribution
6 made on or about October 24, 2014, in violation of Section 84203.

7 Count 5: Failure to Timely Pay the 2015 Annual Fee

8 The Committee and Ton failed to timely pay the 2015 annual fee by the January 15, 2015 due
9 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
10 84101.5, subdivisions (c) and (d).

11 Count 6: Failure to Timely File a Semiannual Campaign Statement

12 The Committee and Ton failed to timely file the semiannual campaign statement due on February
13 2, 2015, in violation of Section 84200.

14 Count 7: Failure to Timely File a Semiannual Campaign Statement

15 The Committee and Ton failed to timely file the semiannual campaign statement due on July 31,
16 2015, in violation of Section 84200.

17 Count 8: Failure to Timely Pay the 2016 Annual Fee

18 The Committee and Ton failed to timely pay the 2016 annual fee by the January 15, 2016 due
19 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
20 84101.5, subdivisions (c) and (d).

21 Count 9: Failure to Timely File a Semiannual Campaign Statement

22 The Committee and Ton failed to timely file the semiannual campaign statement due on February
23 1, 2016, in violation of Section 84200.

24 Count 10: Failure to Timely File a Semiannual Campaign Statement

25 The Committee and Ton failed to timely file the semiannual campaign statement due on August
26 1, 2016, in violation of Section 84200.

27 //

1 Count 11: Failure to Timely Pay the 2017 Annual Fee

2 The Committee and Ton failed to timely pay the 2017 annual fee by the January 16, 2017 due
3 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
4 84101.5, subdivisions (c) and (d).

5 Count 12: Failure to Timely File a Semiannual Campaign Statement

6 The Committee and Ton failed to timely file the semiannual campaign statement due on January
7 31, 2017, in violation of Section 84200.

8 Count 13: Failure to Timely File a Semiannual Campaign Statement

9 The Committee and Ton failed to timely file the semiannual campaign statement due on July 31,
10 2017, in violation of Section 84200.

11 Count 14: Failure to Timely Pay the 2017 Annual Fee

12 The Committee and Ton failed to timely pay the 2018 annual fee by the January 16, 2018 due
13 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
14 84101.5, subdivisions (c) and (d).

15 Count 15: Failure to Timely File a Semiannual Campaign Statement

16 The Committee and Ton failed to timely file the semiannual campaign statement due on January
17 31, 2018, in violation of Section 84200.

18 Count 16: Failure to Timely File a Semiannual Campaign Statement

19 The Committee and Ton failed to timely file the semiannual campaign statement due on July 31,
20 2018, in violation of Section 84200.

21 **EXCULPATORY OR MITIGATING INFORMATION**

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

23 **OTHER RELEVANT MATERIAL**

24 The Committee and Ton have failed to file the outstanding campaign statements and disclose the
25 Committee's activity and report the disposition of the Committee's remaining funds.

26
27 //

1 **CONCLUSION**

2 Probable cause exists to believe that the Committee and Ton violated the Act as described above.
3 The Enforcement Division respectfully requests an order finding probable cause pursuant to Section
4 83115.5 and Regulation 18361.4.

5 Dated: 9/17/18

6
7 Respectfully Submitted,

8 **FAIR POLITICAL PRACTICES COMMISSION**
9 Galena West
10 Enforcement Chief


11 
12 By: Theresa Gilbertson
13 Commission Counsel
14 Enforcement Division

Exhibit A-5

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

FOR COURT USE ONLY

N/A
California Fair Political Practices Commission
1102 Q. Street, Suite 3000 Sacramento, CA 95811

TELEPHONE NO : **(916) 322-8185** | FAX NO.
ATTORNEY FOR : :

E-MAIL ADDRESS: **sgevorkyan@fppc.ca.gov**

NONE

STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE: , **CA**
BRANCH NAME:

PLAINTIFF: **In the Matter of: Santa Ana Committee for safe neighborhoods and safe access supporting measure**
DEFENDANT:

CASE NUMBER:
15/1004

PROOF OF SERVICE

Ref No. or File No.:

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
I **SERVED COPIES** OF THE FOLLOWING DOCUMENTS:

Amended Report in Support of a Finding of Probable cause; Letter

PARTY SERVED: **Van Ton**

DATE & TIME OF DELIVERY: **10/2/2018**
6:04 PM

ADDRESS, CITY, AND STATE: **[REDACTED]**

PHYSICAL DESCRIPTION: **Age: 30-35 Race: Asian Sex: Male Height: 5'9" Weight: 220lbs Eyes: brown Hair: black**

MANNER OF SERVICE:

Personal Service - By personally delivering copies.

FILED by FAX

Fee for Service: \$ 58.50

 County: Los Angeles
Registration No.: 2014220066
USA Express Legal & Investigative Services, Inc.
21031 Ventura Blvd., Suite 920
Woodland Hills, CA 91364
(877) 872-3977

I declare under penalty of perjury under the laws of the
The State of California that the foregoing information
contained in the return of service and statement of
service fees is true and correct and that this declaration
was executed on October 03, 2018.



Signature: _____

Emma Perry

Emma Perry

PROOF OF SERVICE

Exhibit A-6



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

September 17, 2018

Van Ton
[REDACTED]
[REDACTED]

In the Matter of SANTA ANA COMMITTEE FOR SAFE NEIGHBORHOODS AND SAFE ACCESS SUPPORTING MEASURE BB AND OPPOSING MEASURE CC, DAVID WELCH, CRAIG WALD, AND VAN TON, FPPC No. 15/1004

Dear Mr. Ton:

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"). The enclosed Amended Report in Support of a Finding of Probable Cause (the "Amended 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 Amended 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 Amended 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 1102 Q Street, Suite 3000, Sacramento, CA 95811. 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. *If you are interested in resolving this matter by means of a settlement, please contact me at (916) 323-6421 or tgilbertson@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 Amended 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,



Theresa Gilbertson
Commission Counsel

Enclosures

PROBABLE CAUSE FACT SHEET

INTRODUCTION

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

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

THE LAW

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

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

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

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

THE PROCEDURE

Probable Cause Report

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

Discovery

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

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

Response to Probable Cause Report

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

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

Staff Reply

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

Probable Cause Conference

Probable cause conferences are held at the offices of the Fair Political Practices Commission, which is located at 1102 Q Street, Suite 3000, Sacramento, CA 95811. You may appear at the conference in person or by telephone. The proceedings are not public unless all proposed respondents agree to open the conference to the public. Otherwise, the probable cause report, any written responses, and the probable cause conference itself are confidential.

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

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

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

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

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

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

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

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

Probable Cause Order and Accusation

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

Continuances

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

Settlements

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

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

CONCLUSION

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

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

CALIFORNIA GOVERNMENT CODE

Probable Cause Statutes

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

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

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

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

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

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

Probable Cause Regulations

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

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

§ 18361.4. Probable Cause Proceedings

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

§ 18362. Access to Enforcement Records

(a) Production of Enforcement Records. The Commission will make complaints, investigative files, and related records available to the public and members of the media in accordance with the Public Records Act (Government Code Section 6250, et seq.) Enforcement records requests should specifically identify the documents sought.

(b) Format of Enforcement Records. The Commission will make records available for inspection at its office during office hours. The Commission may provide copies of requested records either in paper or electronic format to the person that requested the records in lieu of inspecting the records at the Commission offices. Any person requesting paper copies of records must reimburse the Commission ten cents (\$0.10) per page to pay the cost of copying, or supply copying equipment and make copies in the offices of the Commission. Original records of the Commission may not be removed from the offices of the Commission.

(c) Complaint Notice Period. The Commission may not provide or make available complaints or related records until after the disclosure periods provided in Regulation 18360.

§ 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-7

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

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of

) FPPC No. 15/1004

SANTA ANA COMMITTEE
FOR SAFE NEIGHBORHOODS
AND SAFE ACCESS SUPPORTING
MEASURE BB AND OPPOSING
MEASURE CC AND VAN TON,

)
) EX PARTE REQUEST FOR A FINDING OF
) PROBABLE CAUSE AND AN ORDER THAT
) AN ACCUSATION BE PREPARED AND
) SERVED
)
) Gov. Code § 83115.5
)
)

Respondents.

TO THE HEARING OFFICER OF THE FAIR POLITICAL PRACTICES COMMISSION:

Pursuant to Section 83115.5 of the Political Reform Act (the "Act")¹ and Regulation 18361.4, Respondent Van Ton ("Ton") and Respondent Santa Ana Committee for Safe Neighborhoods and Safe Access Supporting Measure BB and Opposing Measure CC ("Committee") were served with a copy of an amended report in support of a finding of probable cause ("Report") in the above-entitled matter.² The Report, attached as "Exhibit A," was part of a packet of materials, including a cover letter and a memorandum describing probable cause proceedings, which was served by means of personal service on October 2, 2018. A copy of the proof of service is attached as "Exhibit B."

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

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

1 In the cover letter, dated September 17, 2018, and the attached materials, Ton and the Committee
2 were advised that they could respond in writing to the Report and orally present the case to the Hearing
3 Officer at a probable cause conference to be held in Sacramento. Ton and the Committee were further
4 advised that in order to have a probable cause conference, they needed to make a written request for one
5 on or before 21 days of the date they received the Report. Additionally, Ton and the Committee were
6 advised that if they did not request a probable cause conference, such a conference would not be held and
7 probable cause would be determined based solely on the Report and any written response that they
8 submitted within 21 days of the date they were served with the Report. To date, Ton and the Committee
9 have not submitted a written response or requested a probable cause conference.

10
11 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by the
12 Hearing Officer that probable cause exists to believe that the Respondents committed 16 violations of the
13 Act, stated as follows:

14
15 Count 1: Failure to Fully and Accurately Report Contributor Information

16 The Committee and Ton failed to fully and accurately disclose contributor information on a
17 semiannual campaign statement for the period July 1, 2013 through December 31, 2013 in violation of
18 Section 84211, subdivision (f).

19 Count 2: Failure to Fully and Accurately Report Contribution and Expenditure Information

20 The Committee and Ton failed to fully and accurately disclose the Committee's contribution and
21 expenditure information on a pre-election campaign statement for the period of July 1, 2014 through
22 September 30, 2014 in violation of Section 84211.

23 Count 3: Failure to Timely File a Pre-election Campaign Statement

24 The Committee and Ton failed to timely file the pre-election campaign statement due on October
25 23, 2014, in violation of Section 84200.5 and 84200.7.

26 //

1 Count 4: Failure to Timely File a 24-Hour Report

2 The Committee and Ton failed to timely file a 24-hour report to disclose the \$4,000 contribution
3 made on or about October 24, 2014, in violation of Section 84203.

4 Count 5: Failure to Timely Pay the 2015 Annual Fee

5 The Committee and Ton failed to timely pay the 2015 annual fee by the January 15, 2015 due
6 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
7 84101.5, subdivisions (c) and (d).

8 Count 6: Failure to Timely File a Semiannual Campaign Statement

9 The Committee and Ton failed to timely file the semiannual campaign statement due on February
10 2, 2015, in violation of Section 84200.

11 Count 7: Failure to Timely File a Semiannual Campaign Statement

12 The Committee and Ton failed to timely file the semiannual campaign statement due on July 31,
13 2015, in violation of Section 84200.

14 Count 8: Failure to Timely Pay the 2016 Annual Fee

15 The Committee and Ton failed to timely pay the 2016 annual fee by the January 15, 2016 due
16 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
17 84101.5, subdivisions (c) and (d).

18 Count 9: Failure to Timely File a Semiannual Campaign Statement

19 The Committee and Ton failed to timely file the semiannual campaign statement due on February
20 1, 2016, in violation of Section 84200.

21 Count 10: Failure to Timely File a Semiannual Campaign Statement

22 The Committee and Ton failed to timely file the semiannual campaign statement due on August
23 1, 2016, in violation of Section 84200.

24
25 //

1 Count 11: Failure to Timely Pay the 2017 Annual Fee

2 The Committee and Ton failed to timely pay the 2017 annual fee by the January 16, 2017 due
3 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
4 84101.5, subdivisions (c) and (d).

5 Count 12: Failure to Timely File a Semiannual Campaign Statement

6 The Committee and Ton failed to timely file the semiannual campaign statement due on January
7 31, 2017, in violation of Section 84200.

8 Count 13: Failure to Timely File a Semiannual Campaign Statement

9 The Committee and Ton failed to timely file the semiannual campaign statement due on July 31,
10 2017, in violation of Section 84200.

11 Count 14: Failure to Timely Pay the 2017 Annual Fee

12 The Committee and Ton failed to timely pay the 2018 annual fee by the January 16, 2018 due
13 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
14 84101.5, subdivisions (c) and (d).

15 Count 15: Failure to Timely File a Semiannual Campaign Statement

16 The Committee and Ton failed to timely file the semiannual campaign statement due on January
17 31, 2018, in violation of Section 84200.

18 Count 16: Failure to Timely File a Semiannual Campaign Statement

19 The Committee and Ton failed to timely file the semiannual campaign statement due on July 31, 2018,
20 in violation of Section 84200.

21
22 Additionally, after finding probable cause exists, the Enforcement Division requests an order by
23 the Hearing Officer that an accusation be prepared against Ton and the Committee and served upon them.³
24

25
26 ³ Gov. Code § 11503.

1 A copy of this Request was mailed via U.S. Mail to Ton and the Committee on October 30, 2018
2 at the last known address and the place of service, as follows:

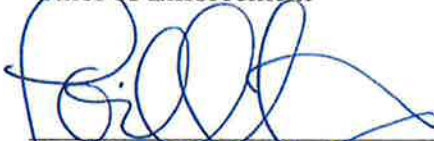
3 Van Ton
4 [REDACTED]
5 [REDACTED]
6

7 Dated: 30 Oct 2018

8 Respectfully Submitted,

9
10 **FAIR POLITICAL PRACTICES COMMISSION**

11 Galena West
12 Chief of Enforcement

13 

14 By: Theresa Gilbertson
15 Commission Counsel
16 Enforcement Division
17
18
19
20
21
22
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24
25
26

EXHIBIT A

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

6 Attorneys for Complainant
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. 15/1004
12)
13) **AMENDED REPORT IN SUPPORT OF A**
SANTA ANA COMMITTEE) **FINDING OF PROBABLE CAUSE**
14 FOR SAFE NEIGHBORHOODS)
AND SAFE ACCESS SUPPORTING) Conference Date: TBA
15 MEASURE BB AND OPPOSING) Conference Time: TBA
MEASURE CC AND VAN TON,) Conference Location: Commission Offices
16) 1102 Q Street, Suite 3000
Respondents.) Sacramento, CA 95811
17)
18)

19 **INTRODUCTION**

20 Respondent Santa Ana Committee for Safe Neighborhoods and Safe Access Supporting Measure
21 BB and Opposing Measure CC (“Committee”) is a committee primarily formed to support Measure BB
22 and oppose Measure CC. Both measures appeared on the November 4, 2014 ballot in the city of Santa
23 Ana. Van Ton (“Ton”) served as the Committee’s treasurer. The Committee and Ton violated the Political
24 Reform Act¹ (the “Act”) by failing to accurately complete campaign statements, failing to file campaign
25 statements, and failing to pay the annual fee to the Secretary of State.

26 _____
27 ¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code
sections 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices

1 **SUMMARY OF THE LAW**

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

4 Jurisdiction

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

7 Probable Cause Proceedings

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

13 Standard for Finding Probable Cause

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

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

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

21 A central purpose of the Act is to ensure voters are fully informed and improper practices are
22 inhibited by requiring committees to disclose all contributions and expenditures made throughout a

23 Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All
24 regulatory references are to this source.

25 ² Section 83116.

26 ³ Section 83115.5 and Regulations 18361 and 18361.4.

27 ⁴ Section 11500, et seq.

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

⁶ Section 18361.4, subd. (e).

⁷ Section 81001, subd. (h).

⁸ Section 81003.

1 campaign.⁹ Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously
2 enforced.”¹⁰

3 Campaign Reporting

4 The Act provides that each campaign statement must contain certain information about the
5 campaign’s financial activity, including total contributions, total expenditures, and identifying
6 information about sources of contributions and recipients of expenditures.¹¹ Campaign contributions
7 include payments, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise
8 to make a payment, including non-monetary or in-kind contributions.¹² For contributions of \$100 or
9 more, including loans, the statement must include the name, street address, occupation, employer, and
10 amount received from each source.¹³

11 Campaign expenditures include monetary payments, forgiveness of a loan, payment of a loan by
12 a third party, or an enforceable promise to make a payment.¹⁴ For expenditures of \$100 or more, the
13 statement must include the name of the payee, the street address, the amount of each expenditure, and a
14 brief description of each expenditure.¹⁵

15 Pre-Election Campaign Statements

16 A committee primarily formed to support or oppose a measure must file two pre-election
17 campaign statements before the election in which the measure is listed on the ballot. For the general
18 election, a committee must file a first pre-election campaign statement for the period ending September
19 30 no later than October 5. A committee must also file a second pre-election campaign statement for the
20 period ending 17 days before the election no later than 12 days before the election.¹⁶ Whenever the
21
22

23 ⁹ Section 81002, subd. (a).

¹⁰ Section 81002, subd. (f).

24 ¹¹ Section 84211.

25 ¹² Section 82015.

¹³ Section 84211, subdivision (f).

26 ¹⁴ Section 82025.

27 ¹⁵ Section 84211, subdivision (k).

¹⁶ Sections 84200.5 and Former 84200.7, subd. (b) (2014).

1 deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a statement shall be
2 extended to the next regular business day.¹⁷

3 24-Hour Reports

4 Each candidate or committee that makes or receives a late contribution must file a report within
5 24 hours of making or receiving the contribution.¹⁸ A “late contribution” includes a contribution
6 aggregating \$1,000 or more that is made or received by a candidate or his or her controlled committee,
7 or a committee formed or existing primarily to support or oppose a candidate or measure, within 90 days
8 before the date of the election at which the candidate or measure is to be voted on.¹⁹ The late contribution
9 period for the November 4, 2014 General Election began on August 6, 2014.

10 Semiannual Campaign Statements

11 A primarily formed committee must file two semiannual campaign statements each year no later
12 than July 31 for the period ending June 30 and no later than January 31 for the period ending December
13 31.²⁰

14 Annual Fee

15 Each committee required to file a statement of organization must pay the SOS a \$50 annual fee
16 no later than fifteen days after filing its statement of organization and then by January 15 each year
17 thereafter until the committee is terminated.²¹ A committee that fails to timely pay the \$50 annual fee is
18 subject to a penalty equal to three times the amount of the fee. The Commission is required to enforce
19 this provision of the Act.²²

20 Joint and Several Liability of Committee and Treasurer

21 Every committee must have a treasurer.²³ It is the duty of the treasurer to ensure that the
22 committee complies with all the requirements of the Act concerning the receipt, expenditure, and
23

24 ¹⁷ Regulation 18116, subd. (a).

25 ¹⁸ Section 84203.

26 ¹⁹ Former Section 82036 (2014).

27 ²⁰ Section 84200, subd. (a).

28 ²¹ Section 84101.5, subd. (b) and (c).

²² Section 84101.5, subd. (d).

²³ Section 84100.

1 reporting of funds.²⁴ The treasurer may be held jointly and severally liable for violations committed by
2 the committee.²⁵

3 SUMMARY OF THE EVIDENCE

4 The Committee qualified as a primarily formed committee on or about May 4, 2013 after
5 receiving an initial contribution of \$7,500. The Statement of Organization was amended on or about
6 October 20, 2014 to list Ton as the treasurer, however, Ton filed and signed for numerous statements
7 and appeared to be acting as the treasurer, indicating that the amendment was filed late. The Committee
8 has not been terminated and continues to have a filing obligation.

9 The Committee was successful in qualifying a measure for the ballot and made expenditures to
10 oppose a competing measure. Both measure BB and CC sought to establish medical marijuana regulation
11 and taxation schemes within the City of Santa Ana. Both measures received over 50% in “yes” votes,
12 but Measure BB received a greater number of “yes” votes and was therefore approved. According to
13 bank records, the Committee received a total of \$156,620 in contributions and made a total of
14 \$156,630.98 in expenditures before the bank account was closed by the financial institution. The bank
15 period of known activity was between May 4, 2013 and August 2, 2016, with the majority of the activity
16 in 2013 and 2014.

17 Failure to Accurately Report Contributions and Expenditures

18 The Committee filed a campaign statement on February 5, 2014 and an amendment on May 5,
19 2014 for the reporting period of July 1, 2013 through December 31, 2013. Both statements were signed
20 by Ton and list Ton as the Committee’s treasurer. The first statement reported no activity and the
21 amended statement reported, accurately, \$30,000 in contributions. The amended statement did not
22 include the Schedule to report the contributor information. The statement did not disclose the following
23 required information:

24 //

25
26
27 ²⁴ Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

²⁵ Sections 83116.5 and 91006.

Date of Check	Date of Deposit	Name of Contributor	Amount
6/28/2013	7/12/2013	Together for Change Co-Op	7,500.00
7/6/2013	7/12/2013	Jennifer Flynn	1,000.00
7/6/2013	7/12/2013	J D Brown Construction	6,500.00
7/31/2013	8/6/2013	Acme Holdings, Inc.	7,500.00
8/2/2013	8/6/2013	Tam T. Nguyen	7,500.00
			30,000.00

Ton filed a campaign statement on October 16, 2014 for the reporting period of July 1, 2014 through September 30, 2014. The summary page of the statement reported \$25,000 in contributions and \$26,000 in expenditures. The statement did not include the schedule page for expenditures. As a result, the Committee omitted the required information about the payments made such as payee, amount of each expenditure, and description of the payment. In addition to this nonreporting, the statement is not consistent with bank records for the Committee. The Committee's bank records show only a \$3,000 payment to the Hispanic 100 Foundation. The bank records show no other activity. The Committee has not provided records to substantiate the campaign statement. It is unknown if the reporting was in error or if funds were spent outside of the campaign bank account.

Failure to file campaign statements

Ton filed a pre-election campaign statement for the reporting period of July 1, 2014 through September 30, 2014, on October 16, 2014, ten (10) days after the deadline. On the last campaign statement, the Committee reported an ending cash balance of \$4,249.25. Though a violation of the Act, the late filing of this statement is not being charged separately. The Committee failed to file the second pre-election campaign statement for the reporting period of October 1 through October 18, 2014 due on October 23, 2014.

According to bank records, the Committee made a payment of \$4,000 to the Committee, Santa Ana Neighbors for Ethical Governments, opposing Pulido for Mayor with support from Dyer 18 Holding LLC, a primarily formed committee that opposed the election of Miguel Pulido for Mayor of the City

1 of Santa Ana. The check was dated on October 24, 2014. The Committee was required to file a late
2 contribution report within 24 hours of making the contribution. This report was required to be filed on
3 or about October 27, 2014, but the Committee failed to file the 24-hour report. There was some public
4 disclosure of this contribution as the receiving committee reported this contribution on a 24-hour report
5 on or about October 29, 2014.

6 Additionally, the Committee has not filed any statements since October 16, 2014 and has not
7 terminated. The Committee has missed the filing deadline for eight semiannual campaign statements for
8 the reporting periods covering October 19, 2014 through June 30, 2018.

9 Annual Fee

10 The Committee filed an initial Statement of Organization with the SOS on June 19, 2013.
11 Therefore, the Committee was required to pay the \$50 annual fee for 2013 within fifteen days after filing
12 its statement of organization and then by January 15 each year thereafter. The SOS sent the Committee
13 multiple notices regarding its failure to pay the delinquent annual fees and penalties, and then referred
14 the matter to the Enforcement Division. The Committee and Ton violated the Act by failing to timely
15 pay the \$50 annual fee for 2015 through 2018, as well as the associated penalties.

16 As of September 17, 2018, the Committee and Ton have failed to file the outstanding campaign
17 statements and pay the required annual fees and penalties.

18 **VIOLATIONS**

19 Count 1: Failure to Fully and Accurately Report Contributor Information

20 The Committee and Ton failed to fully and accurately disclose contributor information on a
21 semiannual campaign statement for the period July 1, 2013 through December 31, 2013 in violation of
22 Section 84211, subdivision (f).

23 Count 2: Failure to Fully and Accurately Report Contribution and Expenditure Information

24 The Committee and Ton failed to fully and accurately disclose the Committee's contribution and
25 expenditure information on a pre-election campaign statement for the period of July 1, 2014 through
26 September 30, 2014 in violation of Section 84211.

1 Count 3: Failure to Timely File a Pre-election Campaign Statement

2 The Committee and Ton failed to timely file the pre-election campaign statement due on October
3 23, 2014, in violation of Section 84200.5 and 84200.7.

4 Count 4: Failure to Timely File a 24-Hour Report

5 The Committee and Ton failed to timely file a 24-hour report to disclose the \$4,000 contribution
6 made on or about October 24, 2014, in violation of Section 84203.

7 Count 5: Failure to Timely Pay the 2015 Annual Fee

8 The Committee and Ton failed to timely pay the 2015 annual fee by the January 15, 2015 due
9 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
10 84101.5, subdivisions (c) and (d).

11 Count 6: Failure to Timely File a Semiannual Campaign Statement

12 The Committee and Ton failed to timely file the semiannual campaign statement due on February
13 2, 2015, in violation of Section 84200.

14 Count 7: Failure to Timely File a Semiannual Campaign Statement

15 The Committee and Ton failed to timely file the semiannual campaign statement due on July 31,
16 2015, in violation of Section 84200.

17 Count 8: Failure to Timely Pay the 2016 Annual Fee

18 The Committee and Ton failed to timely pay the 2016 annual fee by the January 15, 2016 due
19 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
20 84101.5, subdivisions (c) and (d).

21 Count 9: Failure to Timely File a Semiannual Campaign Statement

22 The Committee and Ton failed to timely file the semiannual campaign statement due on February
23 1, 2016, in violation of Section 84200.

24 Count 10: Failure to Timely File a Semiannual Campaign Statement

25 The Committee and Ton failed to timely file the semiannual campaign statement due on August
26 1, 2016, in violation of Section 84200.

27 //

1 Count 11: Failure to Timely Pay the 2017 Annual Fee

2 The Committee and Ton failed to timely pay the 2017 annual fee by the January 16, 2017 due
3 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
4 84101.5, subdivisions (c) and (d).

5 Count 12: Failure to Timely File a Semiannual Campaign Statement

6 The Committee and Ton failed to timely file the semiannual campaign statement due on January
7 31, 2017, in violation of Section 84200.

8 Count 13: Failure to Timely File a Semiannual Campaign Statement

9 The Committee and Ton failed to timely file the semiannual campaign statement due on July 31,
10 2017, in violation of Section 84200.

11 Count 14: Failure to Timely Pay the 2017 Annual Fee

12 The Committee and Ton failed to timely pay the 2018 annual fee by the January 16, 2018 due
13 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
14 84101.5, subdivisions (c) and (d).

15 Count 15: Failure to Timely File a Semiannual Campaign Statement

16 The Committee and Ton failed to timely file the semiannual campaign statement due on January
17 31, 2018, in violation of Section 84200.

18 Count 16: Failure to Timely File a Semiannual Campaign Statement

19 The Committee and Ton failed to timely file the semiannual campaign statement due on July 31,
20 2018, in violation of Section 84200.

21 **EXCULPATORY OR MITIGATING INFORMATION**

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

23 **OTHER RELEVANT MATERIAL**

24 The Committee and Ton have failed to file the outstanding campaign statements and disclose the
25 Committee's activity and report the disposition of the Committee's remaining funds.

26
27 //

1 **CONCLUSION**

2 Probable cause exists to believe that the Committee and Ton violated the Act as described above.
3 The Enforcement Division respectfully requests an order finding probable cause pursuant to Section
4 83115.5 and Regulation 18361.4.

5 Dated: 9/17/18

6
7 Respectfully Submitted,

8 **FAIR POLITICAL PRACTICES COMMISSION**
9 Galena West
10 Enforcement Chief



11 By: Theresa Gilbertson
12 Commission Counsel
13 Enforcement Division

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

FOR COURT USE ONLY

N/A
California Fair Political Practices Commission
1102 Q. Street, Suite 3000 Sacramento, CA 95811

TELEPHONE NO: **(916) 322-8185** | FAX NO.

E-MAIL ADDRESS: **sgevorkyan@fppc.ca.gov**

ATTORNEY FOR : :

NONE

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE: , **CA**

BRANCH NAME:

PLAINTIFF: **In the Matter of: Santa Ana Committee for safe neighborhoods and safe access supporting measure**
DEFENDANT:

CASE NUMBER:

15/1004

Ref No or File No:

PROOF OF SERVICE

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

Amended Report in Support of a Finding of Probable cause;Letter

PARTY SERVED: **Van Ton**

DATE & TIME OF DELIVERY: **10/2/2018**
6:04 PM

ADDRESS, CITY, AND STATE: **[REDACTED]**
[REDACTED]

PHYSICAL DESCRIPTION: **Age: 30-35 Race: Asian Sex: Male Height: 5'9" Weight: 220lbs Eyes: brown Hair: black**

MANNER OF SERVICE:

Personal Service - By personally delivering copies.

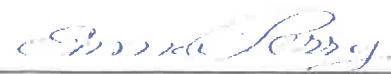
FILED BY FAX

Fee for Service: \$ 58.50

 County: Los Angeles
Registration No.: 2014220066
USA Express Legal & Investigative Services, Inc.
21031 Ventura Blvd., Suite 920
Woodland Hills, CA 91364
(877) 872-3977

I declare under penalty of perjury under the laws of the
The State of California that the foregoing information
contained in the return of service and statement of
service fees is true and correct and that this declaration
was executed on October 03, 2018.



Signature: 
Emma Perry

PROOF OF SERVICE

Exhibit A-8

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3
4 In the Matter of) FPPC No. 15/1004
5)
6 SANTA ANA COMMITTEE) FINDING OF PROBABLE CAUSE AND
7 FOR SAFE NEIGHBORHOODS) ORDER TO PREPARE AND SERVE AN
8 AND SAFE ACCESS SUPPORTING) ACCUSATION
MEASURE BB AND OPPOSING)
MEASURE CC AND VAN TON,) Gov. Code § 83115.5
Respondent.)

9 By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation
10 Be Prepared and Served, dated October 30, 2018, the Enforcement Division submitted the above-entitled
11 matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request
12 for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served (Ex Parte
13 Request), the Enforcement Division served an Amended Report in Support of a Finding of Probable Cause
14 (PC Report) on Respondent Van Ton (“Ton”) and Respondent Santa Ana Committee for Safe
15 Neighborhoods and Safe Access Supporting Measure BB and Opposing Measure CC (“Committee”) on
16 October 2, 2018 by means of personal service. Accompanying the PC Report was a packet of materials
17 that informed Respondents of their right to file a written response to the PC Report and to request a
18 probable cause conference within 21 days following service of the PC Report. During the 21 days that
19 followed service of the PC Report, Respondents did not file a response to the PC Report or request a
20 probable cause conference. Pursuant to California Code of Regulations title 2, section 18361.4,
21 determination of probable cause may be made solely on papers submitted when the respondent does not
22 request a probable cause conference.¹

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

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

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

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

6 The PC Report served on Respondents Ton and the Committee, and the subsequent Ex Parte
7 Request in this matter, alleges 16 violations of the Political Reform Act were committed, as follows:

8 Count 1: Failure to Fully and Accurately Report Contributor Information

9 The Committee and Ton failed to fully and accurately disclose contributor information on a
10 semiannual campaign statement for the period July 1, 2013 through December 31, 2013 in violation of
11 Section 84211, subdivision (f).

12 Count 2: Failure to Fully and Accurately Report Contribution and Expenditure Information

13 The Committee and Ton failed to fully and accurately disclose the Committee’s contribution and
14 expenditure information on a pre-election campaign statement for the period of July 1, 2014 through
15 September 30, 2014 in violation of Section 84211.

16 Count 3: Failure to Timely File a Pre-election Campaign Statement

17 The Committee and Ton failed to timely file the pre-election campaign statement due on October
18 23, 2014, in violation of Section 84200.5 and 84200.7.

19 Count 4: Failure to Timely File a 24-Hour Report

20 The Committee and Ton failed to timely file a 24-hour report to disclose the \$4,000 contribution
21 made on or about October 24, 2014, in violation of Section 84203.

22 Count 5: Failure to Timely Pay the 2015 Annual Fee

23 The Committee and Ton failed to timely pay the 2015 annual fee by the January 15, 2015 due
24 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
25 84101.5, subdivisions (c) and (d).

26 //

27 //

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

1 Count 6: Failure to Timely File a Semiannual Campaign Statement

2 The Committee and Ton failed to timely file the semiannual campaign statement due on February
3 2, 2015, in violation of Section 84200.

4 Count 7: Failure to Timely File a Semiannual Campaign Statement

5 The Committee and Ton failed to timely file the semiannual campaign statement due on July 31,
6 2015, in violation of Section 84200.

7 Count 8: Failure to Timely Pay the 2016 Annual Fee

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

11 Count 9: Failure to Timely File a Semiannual Campaign Statement

12 The Committee and Ton failed to timely file the semiannual campaign statement due on February
13 1, 2016, in violation of Section 84200.

14 Count 10: Failure to Timely File a Semiannual Campaign Statement

15 The Committee and Ton failed to timely file the semiannual campaign statement due on August
16 1, 2016, in violation of Section 84200.

17 Count 11: Failure to Timely Pay the 2017 Annual Fee

18 The Committee and Ton failed to timely pay the 2017 annual fee by the January 16, 2017 due
19 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
20 84101.5, subdivisions (c) and (d).

21 Count 12: Failure to Timely File a Semiannual Campaign Statement

22 The Committee and Ton failed to timely file the semiannual campaign statement due on January
23 31, 2017, in violation of Section 84200.

24 Count 13: Failure to Timely File a Semiannual Campaign Statement

25 The Committee and Ton failed to timely file the semiannual campaign statement due on July 31,
26 2017, in violation of Section 84200.

27 //

28 //

1 Count 14: Failure to Timely Pay the 2017 Annual Fee

2 The Committee and Ton failed to timely pay the 2018 annual fee by the January 16, 2018 due
3 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section
4 84101.5, subdivisions (c) and (d).

5 Count 15: Failure to Timely File a Semiannual Campaign Statement

6 The Committee and Ton failed to timely file the semiannual campaign statement due on January
7 31, 2018, in violation of Section 84200.

8 Count 16: Failure to Timely File a Semiannual Campaign Statement

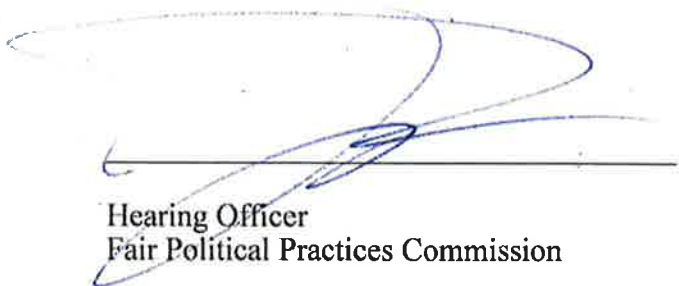
9 The Committee and Ton failed to timely file the semiannual campaign statement due on July 31,
10 2018, in violation of Section 84200.

11 Based on the Ex Parte Request given to me, I find that notice has been given to Ton and the
12 Committee.³ I further find, based on the PC Report and the Ex Parte Request, that there is probable cause
13 to believe that the Ton and the Committee violated the Political Reform Act as alleged in Counts 1-16, as
14 identified above.

15 I therefore direct that the Enforcement Division issue an accusation against the Ton and the
16 Committee in accordance with this finding.

17
18 IT IS SO ORDERED.

19
20 Dated: 11/28/18


21
22 Hearing Officer
Fair Political Practices Commission

23
24
25
26
27
28 ³ Government Code § 83115.5; Cal. Code Reg., tit. 2, §18361.4, subd. (b).

**FPPC No. 15/1004, In the matter of Santa Ana Committee for Safe Neighborhoods and Safe Access
Supporting Measure BB and Opposing Measure CC and Van Ton
PROOF OF SERVICE**

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811. 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

Van Ton
[REDACTED]
[REDACTED]

(By Personal Service) On Wednesday, November 28, 2018, at approximately 2:00 p.m., I personally served:

Theresa Gilbertson, Commission Counsel, at 1102 Q Street, Suite 3000, Sacramento, CA 95811.

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 November 28, 2018.



Sasha Linker

Exhibit A-9

DEFAULT DECISION AND ORDER FPPC NO. 15/1004

1 GALENA WEST
Chief of Enforcement
2 THERESA GILBERTSON
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q St, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 323-6421
5 Email: tgilbertson@fppc.ca.gov

6 Attorneys for Complainant

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

10
11 In the Matter of) FPPC No. 15/1004
12)
13)
14) **ACCUSATION**
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26)
27)
28)
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
24 2. The authority to bring this action is derived from Title 2, California Code of Regulations,
25 Sections 18361 and 18361.4, subdivision (e), and the statutory law of the State of California, specifically
26 including, but not limited to, Government Code Sections 83111, 83116, and 91000.5, which assign to the
27 Enforcement Division the duty to administer, implement, and enforce the provisions of the Political
28 Reform Act, found at Government Code Sections 81000 through 91014.

1 including loans, the statement must include the name, street address, occupation, employer, and amount
2 received from each source.⁶

3 9. Campaign expenditures include monetary payments, forgiveness of a loan, payment of a
4 loan by a third party, or an enforceable promise to make a payment.⁷ For expenditures of \$100 or more,
5 the statement must include the name of the payee, the street address, the amount of each expenditure,
6 and a brief description of each expenditure.⁸

7 **B. Primarily Formed Committees**

8 10. The Act defines a “committee” as any person or combination of persons who directly or
9 indirectly receives contributions totaling \$1,000 or more in a calendar year.⁹ This type of committee is
10 commonly referred to as a “recipient” committee.

11 11. A primarily formed committee is defined as a recipient committee formed to primarily
12 support or oppose a single candidate, a single measure, or a group of specific candidates or measures
13 that will be voted upon in the same city, county, multicounty, or state election.¹⁰

14 **C. Pre-Election Campaign Statements**

15 12. A committee primarily formed to support or oppose a measure must file two pre-election
16 campaign statements before the election in which the measure is listed on the ballot. For the general
17 election, a committee must file a first pre-election campaign statement for the period ending September
18 30 no later than October 5.

19 13. A committee must also file a second pre-election campaign statement for the period ending
20 17 days before the election no later than 12 days before the election.¹¹

21 14. Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing
22 deadline for a statement shall be extended to the next regular business day.¹²

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25 ⁶ Section 84211, subd. (f).

26 ⁷ Section 82025.

27 ⁸ Section 84211, subd. (k).

28 ⁹ Former Section 82013, subd. (a) (2013).

¹⁰ Section 82047.5.

¹¹ Sections 84200.5 and Former 84200.7, subd. (b) (2014).

¹² Regulation 18116, subd. (a).

1 **D. 24-Hour Reports**

2 15. Each candidate or committee that makes or receives a late contribution must file a report
3 within 24 hours of making or receiving the contribution.¹³ A “late contribution” includes a contribution
4 aggregating \$1,000 or more that is made or received by a candidate or his or her controlled committee, or
5 a committee formed or existing primarily to support or oppose a candidate or measure, within 90 days
6 before the date of the election at which the candidate or measure is to be voted on.¹⁴ The late contribution
7 period for the November 4, 2014 General Election began on August 6, 2014.

8 **E. Semiannual Campaign Statements**

9 16. A primarily formed committee must file two semiannual campaign statements each year
10 no later than July 31 for the period ending June 30 and no later than January 31 for the period ending
11 December 31.¹⁵

12 **F. Annual Fee**

13 17. Each committee required to file a statement of organization must pay the SOS a \$50 annual
14 fee no later than fifteen days after filing its statement of organization and then by January 15 each year
15 thereafter until the committee is terminated.¹⁶

16 18. A committee that fails to timely pay the \$50 annual fee is subject to a penalty equal to three
17 times the amount of the fee. The Commission is required to enforce this provision of the Act.¹⁷

18 **G. Joint and Several Liability of Committee and Treasurer**

19 19. Every committee must have a treasurer.¹⁸ It is the duty of the treasurer to ensure that the
20 committee complies with all the requirements of the Act concerning the receipt, expenditure, and reporting
21 of funds.¹⁹ The treasurer may be held jointly and severally liable for violations committed by the
22 committee.²⁰

23 //

24
25 ¹³ Section 84203.

26 ¹⁴ Former Section 82036 (2014).

27 ¹⁵ Section 84200, subd. (a).

28 ¹⁶ Section 84101.5, subd. (b) and (c).

¹⁷ Section 84101.5, subd. (d).

¹⁸ Section 84100.

¹⁹ Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

²⁰ Sections 83116.5 and 91006.

1 **H. Factors to be Considered by the Fair Political Practices Commission**

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

11 **GENERAL FACTS**

12 21. The Committee filed an initial Statement of Organization on June 19, 2013 with the
13 Secretary of State, with the committee name "Santa Ana Committee for Safe Neighborhoods and Safe
14 Access." The filing indicated that it was a primarily formed to support a medical marijuana initiative.
15 The Committee qualified as a primarily formed committee on or about May 4, 2013 after receiving an
16 initial contribution of \$7,500.

17 22. The Statement of Organization was last amended on or about October 20, 2014 to list Ton
18 as the treasurer and replacing an earlier treasurer. In addition, the Committee indicated that the committee
19 was primarily formed to support Measure BB and re-designated to include the language "Supporting
20 Measure BB and Opposing Measure CC".

21 23. Ton filed and signed for numerous statements and appeared to be acting as the treasurer
22 before October 20, 2014, indicating that the amendment was filed late. The Committee has not been
23 terminated and continues to have a filing obligation.

24 24. The Committee was successful in qualifying a measure for the ballot and made
25 expenditures to support this measure and to oppose a competing measure. Both measure BB and CC
26 sought to establish medical marijuana regulation and taxation ordinances within the City of Santa Ana.

27
28 ²¹ Reg. 18361.5, subd. (d).

1 Both measures received over 50% in “yes” votes, but Measure BB received a greater number of “yes”
2 votes and was therefore approved.

3 25. According to bank records, the Committee received a total of \$156,620 in contributions
4 and made a total of \$156,630.98 in expenditures before the bank account was closed by the financial
5 institution. The bank period of known activity was between May 4, 2013 and August 2, 2016, with the
6 majority of the activity in 2013 and 2014.

7 Failure to Accurately Report Contributions and Expenditures

8 26. The Committee filed a campaign statement on February 5, 2014 and an amendment on
9 May 5, 2014 for the reporting period of July 1, 2013 through December 31, 2013. Both statements were
10 signed by Ton and list Ton as the Committee’s treasurer. The first statement reported no activity and the
11 amended statement accurately reported on the summary page \$30,000 in contributions. The amended
12 statement did not include the Schedule to report the contributor information, including the name of the
13 contributor, the address, and the employer and occupation of individual contributors. Bank records show
14 the source of the contributions were checks received from the following contributors:

15

Date of Check	Date of Deposit	Name of Contributor	Amount
6/28/2013	7/12/2013	Together for Change Co-Op	7,500.00
7/6/2013	7/12/2013	Jennifer Flynn	1,000.00
7/6/2013	7/12/2013	J D Brown Construction	6,500.00
7/31/2013	8/6/2013	Acme Holdings, Inc.	7,500.00
8/2/2013	8/6/2013	Tam T. Nguyen	7,500.00
			30,000.00

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25 27. Ton filed a campaign statement on October 16, 2014 for the reporting period of July 1,
26 2014 through September 30, 2014. The summary page of the statement reported \$25,000 in contributions
27 and \$26,000 in expenditures. The statement did not include the Schedule for expenditures. As a result,
28

1 the Committee omitted the required information about the payments made such as payee, amount of each
2 expenditure, and description of the payment.

3 28. In addition to this nonreporting, the statement is not consistent with bank records for the
4 Committee. The Committee's bank records show only a \$3,000 payment to the Hispanic 100 Foundation.
5 The bank records show no other activity. The Committee has not provided records to substantiate the
6 campaign statement. It is unknown if the reporting was in error or if funds were spent outside of the
7 campaign bank account.

8 Failure to file campaign statements

9 29. Ton filed a pre-election campaign statement for the reporting period of July 1, 2014
10 through September 30, 2014, on October 16, 2014, ten (10) days after the deadline. On the last campaign
11 statement, the Committee reported an ending cash balance of \$4,249.25. Though a violation of the Act,
12 the late filing of this statement is not being charged separately.

13 30. The Committee failed to file the second pre-election campaign statement for the reporting
14 period of October 1 through October 18, 2014 due on October 23, 2014.

15 31. According to bank records, the Committee made a payment of \$4,000 to the Committee,
16 Santa Ana Neighbors for Ethical Governments, opposing Pulido for Mayor with support from Dyer 18
17 Holding LLC, a primarily formed committee that opposed the election of Miguel Pulido for Mayor of the
18 City of Santa Ana. The check was dated on October 24, 2014. The Committee was required to file a late
19 contribution report within 24 hours of making the contribution. This report was required to be filed on or
20 about October 27, 2014 because the check was dated on a Friday and so the report was required to be
21 filed on the following Monday, but the Committee failed to file a 24-hour report. There was some public
22 disclosure of this contribution before the election as the receiving committee reported this contribution
23 on a 24-hour report on or about October 29, 2014.

24 32. Additionally, according to the public access page for campaign electronic filings for the
25 Santa Ana Clerk of the Council, the Committee has not filed any statements since October 16, 2014 and
26 has not terminated. The Committee has missed the filing deadline for eight semiannual campaign
27 statements for the reporting periods covering October 19, 2014 through June 30, 2018.

28 //

1 Annual Fee

2 33. The Committee filed an initial Statement of Organization with the SOS on June 19, 2013.
3 Therefore, the Committee was required to pay the \$50 annual fee for 2013 within fifteen days after filing
4 its statement of organization and then by January 15 each year thereafter. The SOS sent the Committee
5 multiple notices regarding its failure to pay the delinquent annual fees and penalties, and then referred
6 the matter to the Enforcement Division. The Committee and Ton violated the Act by failing to timely pay
7 the \$50 annual fee for 2015 through 2018, as well as the associated penalties.

8 **PROCEDURAL HISTORY**

9 34. This case was opened in response to a referral from the Secretary of State alleging that the
10 Committee failed to pay the annual fee.

11 35. The Enforcement Division contacted the Committee on numerous occasions in 2015,
12 2017, 2018, and 2019 in an attempt to obtain compliance with the obligation to pay the annual fee and to
13 file campaign statements.

14 36. The Enforcement Division initiated an administrative action against the Committee and
15 Ton in this matter by serving a packet containing a cover letter, a Report in Support of a Finding of
16 Probable Cause ("PC Report"), a fact sheet regarding probable cause proceedings, selected sections of
17 the Government Code regarding probable cause proceedings for the Commission, and selected
18 regulations of the Commission regarding probable cause proceedings.

19 37. The Committee and Ton were served with the PC Report on or about July 24, 2018, via
20 personal service to Ton. The information contained in the PC Report packet advised the Committee and
21 Ton that they had 21 days in which to request a probable cause conference and/or to file a written response
22 to the PC Report. As of the date of this Accusation, the Committee and Ton have not responded to the
23 PC Report.

24 38. The Committee and Ton were served with an Amended PC Report on or about October 2,
25 2018, via personal service to Ton. The information contained in the PC Report packet advised the
26 Committee and Ton that they had 21 days in which to request a probable cause conference and/or to file
27 a written response to the PC Report. As of the date of this Accusation, the Committee and Ton have not
28 responded to the Amended PC Report.

1 39. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an
2 Accusation Be Prepared and Served ("Ex Parte Request") dated October 30, 2018, the Enforcement
3 Division submitted the matter to the Hearing Officer for a determination of probable cause.

4 40. On or about November 28, 2018, the Hearing Officer issued an order finding, based on
5 the Ex Parte Request and the Amended PC Report, that there was probable cause to believe the
6 Committee and Ton violated the Act and directed the Enforcement Division to issue an accusation against
7 the Committee and Ton in accordance with the finding. The Committee and Ton were served with the
8 order by means of U.S. Mail on November 28, 2018, as indicated by the proof of service.

9 41. Ton contacted the Enforcement Division on or around December 4, 2018 and Ton
10 indicated he would file the outstanding campaign statements. The Enforcement Division attempted
11 contacted on January 30, 2019 after confirming with the Santa Ana Clerk of the Council that no addition
12 campaign statements had been filed.

13 42. As of February 11, 2018, the Committee and Ton have failed to file the outstanding
14 campaign statements, pay the annual fees, and have not terminated the Committee.

15 VIOLATIONS

16 43. The Committee and Ton committed 16 violations of the Act as follows:

17 Count 1

18 Failure to Failure to Fully and Accurately Report Contributor Information

19 44. Complainant incorporates paragraphs 1 – 40 of this Accusation, as though completely set
20 forth here.

21 45. The Committee and Ton were required to disclose contributor information, including the
22 full name and address, for contributions over \$100 on a semiannual campaign statement.

23 46. The Committee and Ton failed to include required contributor information for five
24 contributions totaling \$30,000 on the campaign statement for the reporting period of July 1, 2013 through
25 December 31, 2013.

26 47. By failing to include full and accurate contributor information on a semiannual campaign
27 statement for the reporting period of July 1, 2013 through December 31, 2013, the Committee and Ton
28 violated Section 84211, subdivision (f).

1 **Count 2**

2 **Failure to Fully and Accurately Report Contribution and Expenditure Information**

3 48. Complainant incorporates paragraphs 1 – 44 of this Accusation, as though completely set
4 forth here.

5 49. The Committee and Ton were required to disclose contributor information, including the
6 full name and address, for contributions over \$100 on a semiannual campaign statement.

7 50. The Committee and Ton reported \$25,000 in contributions and \$26,000 in expenditures on
8 the summary page on a semiannual campaign statement for the reporting period of July 1, 2014 through
9 September 30, 2014, but omitted the required information about the payees and contributors.

10 51. By failing to fully and accurately report contribution and expenditure information on a
11 semiannual campaign statement for the reporting period of July 1, 2014 through September 30, 2014, the
12 Committee and Ton violated Section 84211.

13 **Count 3**

14 **Failure to Timely File a Pre-election Campaign Statement**

15 52. Complainant incorporates paragraphs 1 – 48 of this Accusation, as though completely set
16 forth here.

17 53. The Committee and Ton had a duty to file a pre-election statement for the reporting period
18 of October 1, 2014 through October 23, 2014 due on October 23, 2014.

19 54. The Committee and Ton failed to timely file the pre-election statement for the reporting
20 period of October 1, 2014 through October 23, 2014 by the deadline.

21 55. By failing to file the pre-election statement by the deadline, the Committee and Ton
22 violated Sections 84200.5 and 84200.7.

23 **Count 4**

24 **Failure to Timely File a 24-Hour Report**

25 56. Complainant incorporates paragraphs 1 – 52 of this Accusation, as though completely set
26 forth here.

1 **Count 7**

2 **Failure to Timely File a Semiannual Campaign Statement**

3 68. Complainant incorporates paragraphs 1 – 64 of this Accusation, as though completely set
4 forth here.

5 69. As the Committee was open, the Committee and Ton had a duty to file a semiannual
6 campaign statement for the reporting period of January 1, 2015 through June 30, 2015 by the deadline of
7 July 31, 2015.

8 70. The Committee and Ton failed to file the semiannual campaign statement for the reporting
9 period of January 1, 2015 through June 30, 2015 by the deadline.

10 71. By failing to timely file the semiannual campaign statement by the deadline, the Committee
11 and Ton violated Section 84200.

12 **Count 8**

13 **Failure to Timely Pay the 2016 Annual Fee**

14 72. Complainant incorporates paragraphs 1 – 68 of this Accusation, as though completely set
15 forth here.

16 73. As the Committee was open, the Committee and Ton had a duty to pay an annual fee for
17 2016 to the Secretary of State.

18 74. The Committee and Ton failed to pay the 2016 annual fee by the deadline of January 15,
19 2016 and failed to pay the resulting late penalty of \$150 levied by the Secretary of State.

20 75. By failing to pay the annual fee and the resulting late penalty, the Committee and Ton
21 violated Section 84101.5, subdivisions (c) and (d).

22 **Count 9**

23 **Failure to Timely File a Semiannual Campaign Statement**

24 76. Complainant incorporates paragraphs 1 – 72 of this Accusation, as though completely set
25 forth here.


26 77. As the Committee was open, the Committee and Ton had a duty to file a semiannual
27 campaign statement for the reporting period of July 1, 2015 through December 31, 2015 by the deadline
28 of February 1, 2016.

- 1 8. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
2 order the Committee and Ton to pay a monetary penalty of up to \$5,000 for the violation of
3 the Political Reform Act alleged in **Count 7**;
- 4 9. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
5 order the Committee and Ton to pay a monetary penalty of up to \$5,000 for the violation of
6 the Political Reform Act alleged in **Count 8**;
- 7 10. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
8 order the Committee and Ton to pay a monetary penalty of up to \$5,000 for the violation of
9 the Political Reform Act alleged in **Count 9**;
- 10 11. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
11 order the Committee and Ton to pay a monetary penalty of up to \$5,000 for the violation of
12 the Political Reform Act alleged in **Count 10**;
- 13 12. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
14 order the Committee and Ton to pay a monetary penalty of up to \$5,000 for the violation of
15 the Political Reform Act alleged in **Count 11**;
- 16 13. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
17 order the Committee and Ton to pay a monetary penalty of up to \$5,000 for the violation of
18 the Political Reform Act alleged in **Count 12**;
- 19 14. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
20 order the Committee and Ton to pay a monetary penalty of up to \$5,000 for the violation of
21 the Political Reform Act alleged in **Count 13**;
- 22 15. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
23 order the Committee and Ton to pay a monetary penalty of up to \$5,000 for the violation of
24 the Political Reform Act alleged in **Count 14**;
- 25 16. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
26 order the Committee and Ton to pay a monetary penalty of up to \$5,000 for the violation of
27 the Political Reform Act alleged in **Count 15**;

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

Dated: 14 Feb 19



Galena West
Chief of Enforcement
Fair Political Practices Commission

Exhibit A-10

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

N/A
California Fair Political Practices Commission
1102 Q. Street, Suite 3000 Sacramento, CA 95811

TELEPHONE NO.: (916) 322-8185 | FAX NO.

E-MAIL ADDRESS: sgevorkeyan@fppc.ca.gov

ATTORNEY FOR : Complainant:

FOR COURT USE ONLY

NONE

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE: , CA

BRANCH NAME:

PLAINTIFF:

DEFENDANT: Santa Ana Committee For Safe Neighborhoods, et al.

CASE NUMBER:

15/1004

PROOF OF SERVICE

Ref. No. or File No.:

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

Accusation;Letter;Attachment

PARTY SERVED: Van Ton

DATE & TIME OF DELIVERY: 3/26/2019
8:45 AM

ADDRESS, CITY, AND STATE:



PHYSICAL DESCRIPTION: Age: 38-42 Race: Asian Sex: Male Height: 5'11" Weight: 220lbs Eyes: brown Hair: brown

MANNER OF SERVICE:

Personal Service - By personally delivering copies.

Fee for Service: \$ 58.50

 County: Los Angeles
Registration No.: 2014220066
USA Express Legal & Investigative Services, Inc.
21031 Ventura Blvd., Suite 920
Woodland Hills, CA 91364
(877) 872-3977



I declare under penalty of perjury under the laws of the
The State of California that the foregoing information
contained in the return of service and statement of
service fees is true and correct and that this declaration
was executed on March 26, 2019.

Signature:

Emma Perry

PROOF OF SERVICE

Exhibit A-11



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

STATEMENT TO RESPONDENTS

[Government Code Section 11505, subdivision (b)]

***SANTA ANA COMMITTEE FOR SAFE NEIGHBORHOODS AND SAFE ACCESS SUPPORTING
MEASURE BB AND OPPOSING MEASURE CC AND VAN TON,
FPPC Case No. 15/1004***

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 Theresa Gilbertson, Commission Counsel, at (916) 323-6421 or tgilbertson@fppc.ca.gov, Enforcement Division.

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

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

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

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip

GROUNDNS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip

California Government Code sections 11506 through 11508

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

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

§ 11507.3. Consolidated proceedings; Separate hearings

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

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

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

///

§ 11507.5. Exclusivity of discovery provisions

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

HISTORY: Added Stats 1968 ch 808 § 3.

§ 11507.6. Request for discovery

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

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

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

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

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

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

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

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

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

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

§ 11507.7. Motion to compel discovery; Order

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

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

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

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

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

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

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

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

§ 11508. Time and place of hearing

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

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

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

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

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

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

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

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811. On 2/14/19, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 15/1004: Accusation;
3. Notice of Defense (Two Copies);
4. Selected Sections of the California Government Code, Administrative Procedure Act.

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

By personal service. At 11:08 (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

Sasha Linker, Commission
Assistant
Fair Political Practices
Commission
1102 Q Street, Suite 3000
Sacramento, California 95811

Personal Service

Van Ton
[REDACTED]
[REDACTED]

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 2/14/19.



Suzanna Gevorkyan

Exhibit A-12

1358515

R30
L

Statement of Organization
Recipient Committee

Statement Type Initial Amendment Termination - See Part 5
 Not yet qualified or
 List I.D. number: _____

 Date qualified as committee _____ Date of Termination _____
 (if applicable)

RECEIVED AND CALIFORNIA FORM 410
 In the office of the Secretary of State of the State of California
 JUN 19 2013
 Hand Delivered, Sacramento
 T2K

1. Committee Information
 NAME OF COMMITTEE
 Santa Ana Committee For Safe Neighborhood and Safe Access
 STREET ADDRESS (NO P.O. BOX)
 1536 East Warner Ave. STE A
 CITY STATE ZIP CODE AREA CODE/PHONE
 Santa Ana CA 92705 (213)596-9008
 MAILING ADDRESS (IF DIFFERENT)
 DWelch@DRWelchLaw.com
 FAX/E-MAIL ADDRESS
 COUNTY OF DOMICILE JURISDICTION WHERE COMMITTEE IS ACTIVE
 Orange County City of Santa Ana

2. Treasurer and Other Principal Officers
 NAME OF TREASURER
 Craig Wald
 STREET ADDRESS (NO P.O. BOX)
 1212 N. Broadway Suite 212
 CITY STATE ZIP CODE AREA CODE/PHONE
 Santa Ana CA 92701 (818)389-4033
 NAME OF ASSISTANT TREASURER, IF ANY
 STREET ADDRESS (NO P.O. BOX)
 CITY STATE ZIP CODE AREA CODE/PHONE
 NAME OF PRINCIPAL OFFICER(S)
 David Welch
 STREET ADDRESS (NO P.O. BOX)
 555 West 5th Street, 31st Floor
 CITY STATE ZIP CODE AREA CODE/PHONE
 Los Angeles CA 92701 (213)596-9008

Attach additional information on appropriately labeled continuation sheets.

3. Verification
 I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein 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 6/17/2013 By [Signature] SIGNATURE OF TREASURER OR ASSISTANT TREASURER
 Executed on _____ By _____ SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROPONENT
 Executed on _____ By _____ SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROPONENT
 Executed on _____ By _____ SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

**CALIFORNIA
FORM 410**

COMMITTEE NAME

Santa Ana Committee For Safe Neighborhoods and Safe Access

Page 2

LD. NUMBER

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION

Bank Of America

AREA CODE/PHONE

(213)228-4412

BANK ACCOUNT NUMBER

[REDACTED]

ADDRESS

550 South Hill Street

CITY

Los Angeles

STATE

CA

ZIP CODE

90013

4. Type of Committee: Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
			<input type="checkbox"/> Nonpartisan
			<input type="checkbox"/> Nonpartisan

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	
		SUPPORT	OPPOSE
Committee for Medical Marijuana Initiative		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Exhibit A-13

R 30
L

1358515

Statement of Organization Recipient Committee

Statement Type

Initial
Not yet qualified or

Amendment

List I.D. number:
1358515

Termination - See Part 5

List I.D. number:

____/____/____
Date qualified as committee

06 / 07 / 2013
Date qualified as committee
(If applicable)

____/____/____
Date of Termination

COPY

Date Stamp	CALIFORNIA FORM 410
RECEIVED AND FILED in the office of the Secretary of State of the State of California OCT 20 2014	For Official Use Only
	2013 + 2014 AF/P

1. Committee Information

NAME OF COMMITTEE
Santa Ana Committee for Safe Neighborhoods and Safe Access
Supporting Measure BB and Opposing Measure CC

STREET ADDRESS (NO P.O. BOX)
1536 East Warner Street Suite A

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Santa Ana	Ca	92705	213-596-9008

MAILING ADDRESS (IF DIFFERENT)

FAX / E-MAIL ADDRESS

dwelch@drwelchlaw.com

COUNTY OF DOMICILE	JURISDICTION WHERE COMMITTEE IS ACTIVE
Orange County	City of Santa Ana

2. Treasurer and Other Principal Officers

NAME OF TREASURER

Van Ton

STREET ADDRESS (NO P.O. BOX)

23365 Calvert Street

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Woodland Hills	Ca	91367	747-222-5542

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

CITY	STATE	ZIP CODE	AREA CODE/PHONE
------	-------	----------	-----------------

NAME OF PRINCIPAL OFFICER(S)

STREET ADDRESS (NO P.O. BOX)

CITY	STATE	ZIP CODE	AREA CODE/PHONE
------	-------	----------	-----------------

Attach additional information on appropriately labeled continuation sheets.

3. Verification

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein 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 10-15-14 By SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on _____ By _____ SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Executed on _____ By _____ SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Executed on _____ By _____ SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

COMMITTEE NAME
Santa Ana Committee for Safe Neighborhoods and Safe Access
Supporting Measure BB and Opposing Measure CC

F.D. NUMBER
1358515

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION Bank of America	AREA CODE/PHONE (213) 228-4412	BANK ACCOUNT NUMBER [REDACTED]
ADDRESS 550 South Hill Street	CITY Los Angeles	STATE ZIP CODE CA 90013

4. Type of Committee Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
			<input type="checkbox"/> Nonpartisan
			<input type="checkbox"/> Nonpartisan

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	
		SUPPORT	OPPOSE
Measure BB		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

Page 3

I.D. NUMBER

1358515

COMMITTEE NAME

4. Type of Committee (Continued)

General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:

CITY Committee COUNTY Committee STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

Santa Ana Committee for Safe Neighborhoods and Safe Access
Supporting Measure BB and Opposing Measure CC

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

Small Contributor Committee

_____/_____/_____
Date qualified

5. Termination Requirements

By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
 - This committee does not anticipate receiving contributions or making expenditures in the future;
 - This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
 - This committee has no surplus funds; and
 - This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
- There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.
- Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

Exhibit A-14

DEFAULT DECISION AND ORDER FPPC NO. 15/1004

Year	Election Date	Election Type	Registered Voters	Total Ballots Cast	% Turnout	Regular Ballots	Absentee & Early Voting Ballots
		MEASURE PASSED			MEASURE DEFEATED		
2012	November 6, 2012 RES. 2012-051 Adpt. Dec. 11, 2012	Pres. & General Municipal	114,288	62,447	54.6%	30,196	32,117
Measure / Charter Amendment		Passed			Defeated		
Measure GG: Impose upon the office of Mayor term limits of no more than four (4) two-year terms, commencing with the term beginning December 11, 2012 (Max of 20 years in office) (Sec. 401 and 404)		Yes		42,957			
		No		12,642			
Ref. Resolution 2012-034 & 2012-036							

2014	November 4, 2014 RES. 2014-084 Adpt. Dec. 9, 2014	General Municipal	94,758	36,735	38.77%	13,443	23,292
Measure		Passed			Defeated		
Measure AA: City of Santa Ana, Modernization of Utility User Tax - Shall the ordinance reducing and reforming the utility users tax for telephone, electricity, gas and water services from six (6) percent to five and one -half (5 1/2) percent be adopted ?		Yes		24,845			
		No		7,955			
Measure BB: City Proposed Initiative - Shall the City of Santa Ana amend the Municipal Code to limit the establishment of medical marijuana collectives/cooperatives in the City to only industrial zones, enforce strict operating protocols, and impose a tax and regulatory fee upon medical marijuana collectives /cooperatives as provided for in Ordinance No. NS- 2864?		Yes		22,147			
		No		11,482			
Measure CC: Voter Initiative - City Establishment of Medical Marijuana Collectives and Cooperatives: Shall an ordinance rescinding the City of Santa Ana's prohibition of medical marijuana dispensaries and adopting new regulations providing for an administrative registration approval process, zoning designations for dispensaries and a business tax on operating dispensaries, known as the Medical Cannabis Restriction and Limitation Initiative, be adopted?					Yes	18,090	
					No	14,987	

2016	November 8, 2016 RES. 2016-094 Adpt. Dec. 13, 2016	Pres. & General Municipal	102,412	75,539	73.76%	31,932	43,607
Measure / Charter Amendment		Passed			Defeated		

Exhibit A-15

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

Type or print in ink.

2014 FEB -5 PM 3: 58

Date Stamp

CALIFORNIA FORM 460

COVER PAGE

Page 1 of 3 For Official Use Only

SEE INSTRUCTIONS ON REVERSE

Statement covers period from 07/01/2013 through 12/31/2013

Date of election if applicable: (Month, Day, Year) 06/05/2014

SANTA ANA COUNCIL OF COUNCIL

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

- Officeholder, Candidate Controlled Committee
State Candidate Election Committee
Recall
General Purpose Committee
Sponsored
Small Contributor Committee
Political Party/Central Committee

2. Type of Statement:

- Preliminary Statement
Semi-annual Statement
Termination Statement
Amendment
Quarterly Statement
Special Odd-Year Report
Supplemental Preliminary Statement

3. Committee Information I.D. NUMBER 1358515

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

Santa Ana Committee for Safe Neighborhoods and Safe Access

Treasurer(s)

NAME OF TREASURER

Van Ton

MAILING ADDRESS

1212 N. Broadway Suite 212

CITY

Santa Ana

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS

STREET ADDRESS (NO P.O. BOX) 1536 East Warner Ave. Ste A

CITY Santa Ana

STATE CA

ZIP CODE 92705

AREA CODE/PHONE 213-596-9008

MAILING ADDRESS (IF DIFFERENT NO. AND STREET OR P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS ecardona004@gmail.com

OPTIONAL: FAX / E-MAIL ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

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CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL 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 1-30-14
By [Signature]
Signature of Treasurer or Assistant Treasurer

FPPC Form 460 (January/05) FPPC Toll-Free Helpline: 866/AS-K-FPPC (868/275-3772) State of California

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? YES 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? YES 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

Medical Marijuana

BALLOT NO. OR LETTER

JURISDICTION

Orange County

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

NAME OF OFFICEHOLDER OR CANDIDATE

OFFICE SOUGHT OR HELD

NAME OF OFFICEHOLDER OR CANDIDATE

OFFICE SOUGHT OR HELD

NAME OF OFFICEHOLDER OR CANDIDATE

OFFICE SOUGHT OR HELD

NAME OF OFFICEHOLDER OR CANDIDATE

OFFICE SOUGHT OR HELD

SUPPORT OPPOSE

Attach continuation sheets if necessary

COVER PAGE - PART 2 CALIFORNIA FORM 460 Page 2 of 3

FFPC Form 460 (January 08) FFPC Toll-Free Helpline: 866/ASK-FFPC (866/275-3772) State of California

**Campaign Disclosure Statement
Summary Page**

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

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER

Santa Ana Committee for Safe Neighborhoods and Safe Access

Statement covers period from 07/01/2013 through 12/31/2013	SUMMARY PAGE CALLIFORNIA FORM 460 Page 3 of 3	ID. NUMBER 1358515
--	--	-----------------------

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	Schedule A, Line 3 0	0
2. Loans Received	Schedule B, Line 3 0	0
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2 0	37,500.00
4. Nonmonetary Contributions	Schedule C, Line 3 0	0
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4 0	37,500.00

Expenditures Made

6. Payments Made	Schedule E, Line 4 0	0
7. Loans Made	Schedule H, Line 3 0	0
8. SUBTOTAL CASH PAYMENTS	Add Lines 6 + 7 0	0
9. Accrued Expenses (Unpaid Bills)	Schedule F, Line 3 0	0
10. Nonmonetary Adjustment	Schedule G, Line 3 0	0
11. TOTAL EXPENDITURES MADE	Add Lines 8 + 9 + 10 0	0

Current Cash Statement

12. Beginning Cash Balance	Previous Summary Page, Line 18 37,500.00	37,500.00
13. Cash Receipts	Column A, Line 3 above 0	0
14. Miscellaneous Increases to Cash	Schedule I, Line 4 0	0
15. Cash Payments	Column A, Line 8 above 0	0
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15 37,500.00	37,500.00

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

17. LOAN GUARANTEES RECEIVED	Schedule B, Part 2 0	0
18. Cash Equivalents and Outstanding Debts	See instructions on reverse 0	0
19. Outstanding Debts	Add Line 2 + Line 9 in Column B above 0	0

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

20. Contributions Received	\$ 0	1/1 through 6/30	7/1 to Date
21. Expenditures Made	\$ 0		

**Expenditure Limit Summary for State
Candidates**

22. Cumulative Expenditures Made*	
(If Subject's Voluntary Expenditure Limit)	
Date of Election (mm/dd/yy)	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).

Exhibit A-16

**Recipient Committee
Campaign Statement
Cover Page**

(Government Code Sections 84200-84216.5)

Type or print in ink.

COVER PAGE

Statement covers period from <u>07/01/2013</u> through <u>12/31/2013</u>		Date of election if applicable: (Month, Day, Year) <u>11/04/2014</u>	Date Stamp
<p align="center">CALIFORNIA FORM 460</p>			Page <u>1</u> of <u>4</u> For Official Use Only

SEE INSTRUCTIONS ON REVERSE

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)
Santa Ana Committee for Safe Neighborhoods and Safe Access

Treasurer(s)
NAME OF TREASURER
Van Ton
MAILING ADDRESS
**23365 Calvert St
Woodland Hills
CA 91367**

STREET ADDRESS (NO P.O. BOX)
1536 East Warner Ave. STE. A
CITY STATE ZIP CODE AREA CODE/PHONE
Santa Ana CA 92705 213-596-9008
MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX
523 W. 6th Street STE. 716
CITY STATE ZIP CODE AREA CODE/PHONE
Los Angeles CA 90014 213-596-9008
OPTIONAL: FAX / E-MAIL ADDRESS

MAILING ADDRESS
23365 Calvert St
CITY STATE ZIP CODE AREA CODE/PHONE
Woodland Hills CA 91367 747-222-5542
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 4/25/2014 By  Signature of Treasurer or Assistant Treasurer

Executed on _____ By _____ Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

Executed on _____ By _____ Signature of Controlling Officeholder, Candidate, State Measure Proponent

Executed on _____ By _____ Signature of Controlling Officeholder, 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?
 YES 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?
 YES 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

Medical Marijuana Initiative

BALLOT NO. OR LETTER JURISDICTION

Orange County

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

SUPPORT
 OPPOSE

NAME OF OFFICEHOLDER OR CANDIDATE OFFICE SOUGHT OR HELD

SUPPORT
 OPPOSE

NAME OF OFFICEHOLDER OR CANDIDATE OFFICE SOUGHT OR HELD

SUPPORT
 OPPOSE

NAME OF OFFICEHOLDER OR CANDIDATE OFFICE SOUGHT OR HELD

SUPPORT
 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

CALIFORNIA
FORM
460

Statement covers period
from 07/01/2013
through 12/31/2013

Page 3 of 4
I.D. NUMBER

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR-YEAR TOTAL TO DATE
1. Monetary Contributions	Schedule A, Line 3 \$ 30,000.00	\$ 52,500.00
2. Loans Received	Schedule B, Line 3 0	0
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2 \$ 30,000.00	\$ 52,500.00
4. Nonmonetary Contributions	Schedule C, Line 3 0	0
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4 \$ 30,000.00	\$ 52,500.00

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

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

Expenditures Made

6. Payments Made	Schedule E, Line 4 0	\$ 24.00
7. Loans Made	Schedule H, Line 3 0	0
8. SUBTOTAL CASH PAYMENTS	Add Lines 6 + 7 \$ 0	\$ 24.00
9. Accrued Expenses (Unpaid Bills)	Schedule F, Line 3 0	0
10. Nonmonetary Adjustment	Schedule G, Line 3 0	0
11. TOTAL EXPENDITURES MADE	Add Lines 8 + 9 + 10 \$ 0	\$ 24.00

Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made*	Date of Election (mm/dd/yy)	Total to Date
_____	____/____/____	\$ _____
_____	____/____/____	\$ _____

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

Current Cash Statement

12. Beginning Cash Balance	Previous Summary Page, Line 16 \$ 22,476.00
13. Cash Receipts	Column A, Line 3 above 30,000.00
14. Miscellaneous Increases to Cash	Schedule I, Line 4 0
15. Cash Payments	Column A, Line 8 above 0
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15 \$ 52,476.00

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

17. LOAN GUARANTEES RECEIVED

Cash Equivalents and Outstanding Debts

18. Cash Equivalents	See instructions on reverse \$ 0
19. Outstanding Debts	Add Line 2 + Line 9 in Column B above \$ 0

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 E
Payments Made**

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

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER

Statement covers period
from 07/01/2013
through 12/31/2013

CALIFORNIA
FORM
460
Page 1 of 4
I.D. NUMBER

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

- OMP 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
- MER 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 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 I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
SUBTOTAL \$				

* 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.) \$ _____
2. Unitemized payments made this period of under \$100 \$ _____ 24.00
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) \$ _____
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) **TOTAL \$** _____ 24.00

Exhibit A-17

Amount: \$7,500.00

Sequence Number: 3842166831

Account: [REDACTED]

Capture Date: 07/12/2013

Bank Number: 12200024

Check Number: 1026

TOGETHER FOR CHANGE COOPERATIVE

1026
16-24/1220 8474
23/06/2013

Date: 06/28/13

PAY TO THE ORDER OF Santa Ana Fire Safe Neighborhoods and Safe Access \$ 7,500.00

Seven Thousand Five Hundred 00/100 Dollars

FOR [Signature]

⑆0000001026⑆ ⑆22000247⑆ [REDACTED]

Seq: 153
Batch: 548261
Date: 07/12/13

Seq: 00153 07/12/13
BAT: 548261 CC: STAR00376
WI: 07 LTYS: Los Angeles
CC: 001110 CC CA2-140

Deposit only

Electronic Endorsements:

Date	Sequence	Bank #	Endrs Type	TRN	PRC	Bank Name
07/12/2013	3842166831	122000661	Rtn Loc/BOFD	Y		BANK OF AMERICA, NA

Amount: \$7,500.00

Sequence Number: 4742854822

Account: [REDACTED]

Capture Date: 08/06/2013

Bank Number: 32227162




Check Number: 0

ACME HOLDINGS, INC. 90-7162
3222 41014 1023

DATE 7/31/13

PAY TO THE ORDER OF Santa Ana for Safe Neighborhoods + Streets \$ 7500.00

seven thousand five hundred ⁰⁰/₁₀₀ DOLLARS

CHASE   

JPMorgan Chase Bank, N.A.
www.Chase.com

MEMO Santa Ana contributor ACBlyje

⑆322271627⑆ ⑆1023

The security features listed below, as well as those not listed, exceed industry guidelines.

Security Features:

- Microprint
- Security Screen
- Chemical Sensitive Paper
- Absence of UV or IR
- Results of document alteration
- New Serials (one for each document)
- All document edges are rounded
- Serials are embossed, not printed
- Absence of UV or IR

FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

Seq: 38
Batch: 609381
Date: 08/06/13

Seq: 00038 08/06/13
BAT: 609381 CC: 3180000310
WT: 01 LTPS: Los Angeles
BC: Intl Jewelry Center BC CAS 9

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

DEPOSIT ONLY

Electronic Endorsements:

Date	Sequence	Bank #	Endrs Type	TRN	RAC	Bank Name
08/06/2013	4742854822	122000661	Rtn Loc/BOFD	Y		BANK OF AMERICA, NA

Exhibit A-18

**Recipient Committee
Campaign Statement
Cover Page**

(Government Code Sections 84200-84216.5)

Type or print in ink.

SEE INSTRUCTIONS ON REVERSE

Statement covers period from <u>07/01/2014</u> through <u>09/30/2014</u>	Date of election if applicable: (Month, Day, Year) 2014 OCT 14 PM 4:39	Date Stamp CITY OF SANTA ANA 11/03/2014 CLERK OF COUNCIL	COVER PAGE CALIFORNIA 2001/02 FORM 460
Page <u>1</u> of <u>5</u> 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 4)
- General Purpose Committee
- Sponsor
- Small Contributor Committee
- Political Party/Central Committee
- Ballot Measure Committee
- Primarily Formed
- Controlled
- Sponsored
- (Also Complete Part 5)
- Primarily Formed Candidate/Officeholder Committee
- (Also Complete Part 7)

2. Type of Statement:

- Preelection Statement
- Semi-annual Statement
- Termination Statement
- 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)
Santa Ana Committee for Safe Neighborhoods and Safe Access

PREPARED BY
P. BASSLER

Treasurer(s)

NAME OF TREASURER
Van Ion

STREET ADDRESS (NO P.O. BOX)
1536 East Warner Ave. STE. A.

CITY STATE ZIP CODE AREA CODE/PHONE
Santa Ana CA 92705 213-596-9008

MAILING ADDRESS CITY STATE ZIP CODE AREA CODE/PHONE
Woodland Hills CA 91367 747-222-3542

MAILING ADDRESS (IF DIFFERENT NO. AND STREET OR P.O. BOX)
523 W. 6th Street STE. 716

CITY STATE ZIP CODE AREA CODE/PHONE
Los Angeles CA 90013 213-596-9008

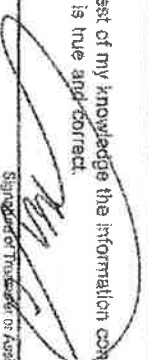
OPTIONAL: FAX / E-MAIL ADDRESS

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 10-13-14

By 
Signature of Treasurer or Assistant Treasurer

Executed on _____

By _____
Signature of Controlling Officer/holder, Candidate, State Measure Proponent or Representative Officer of Sponsor

Executed on _____

By _____
Signature of Controlling Officer/holder, Candidate, State Measure Proponent

Executed on _____

By _____
Signature of Controlling Officer/holder, 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="radio"/> YES <input type="radio"/> NO
COMMITTEE ADDRESS	
CITY STATE ZIP CODE AREA CODE/PHONE	
COMMITTEE NAME	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="radio"/> YES <input type="radio"/> NO
COMMITTEE ADDRESS	
CITY STATE ZIP CODE AREA CODE/PHONE	

6. Ballot Measure Committee

NAME OF BALLOT MEASURE
Medical Marijuana Initiative

BALLOT NO. OR LETTER JURISDICTION
Orange County

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

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER
Santa Ana Committee for Safe Neighborhoods and Safe Access

Statement covers period 07/01/2014 from _____ through _____	09/30/2014	CALIFORNIA FORM 460	Page 3 of 5
I.D. NUMBER 1358515			

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	Schedule A, Line 3 \$ 225,000.00	0
2. Loans Received	Schedule B, Line 3 25,000.00	\$59,500.00
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2 0	0
4. Nonmonetary Contributions	Schedule C, Line 3 \$25,000.00	\$59,500.00
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4 \$ 275,000.00	\$119,000.00

Expenditures Made

6. Payments Made	Schedule E, Line 4 0	107,726.75
7. Loans Made	Schedule H, Line 3 \$26,000.00	107,726.75
8. SUBTOTAL CASH PAYMENTS	Add Lines 6 + 7 0	0
9. Accrued Expenses (Unpaid Bills)	Schedule F, Line 3 0	\$15,000.00
10. Nonmonetary Adjustment	Schedule C, Line 3 \$26,000.00	122,726.75
11. TOTAL EXPENDITURES MADE	Add Lines 8 + 9 + 10 \$ 26,000.00	\$142,726.75

Current Cash Statement

12. Beginning Cash Balance	Previous Summary Page, Line 16 \$ 5,249.25	
13. Cash Receipts	Column A, Line 3 above \$25,000.00	
14. Miscellaneous Increases to Cash	Schedule I, Line 4 \$26,000.00	
15. Cash Payments	Column A, Line 8 above \$4,249.25	
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15 \$ 26,000.00	

Cash Equivalents and Outstanding Debts

17. LOAN GUARANTEES RECEIVED	Schedule B, Part 2 0	
18. Cash Equivalents	See instructions on reverse 0	
19. Outstanding Debts	Add Line 2 + Line 9 in Column B above 0	

Calendar Year Summary for Candidates Running in Both the State Primary and General Elections	1/1 through 6/30	7/1 to Date
20. Contributions Received	\$ _____	\$ _____
21. Expenditures Made	\$ _____	\$ _____

Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made* (# Subject to Voluntary Expenditure Limit)	Date of Election (mm/dd/yy)	Total to Date
_____	____/____/____	\$ _____
_____	____/____/____	\$ _____
_____	____/____/____	\$ _____
_____	____/____/____	\$ _____

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).

*Since January 1, 2001. Amounts in this section may be different from amounts reported in Column B.

Schedule A (Continuation Sheet) Monetary Contributions Received

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

Statement covers period
from 07/01/2014
through 09/30/2014

CALIFORNIA
FORM **460**

Page 5 of 5

NAME OF FILER
Santa Ana Committee for Safe Neighborhoods and Safe Access

I.D. NUMBER
1358515

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

*Contributor Codes
 IND - Individual
 COM - Recipient Committee
 (other than PTY or SCC)
 OTH - Other
 PTY - Political Party
 SCC - Small Contributor Committee

Exhibit A-19



P.O. Box 15284
Wilmington, DE 19850

Bus Platinum Privileges

Customer service information

☎ 1.888.BUSINESS (1.888.287.4637)

🌐 bankofamerica.com

📍 Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

SANTA ANA COMMITTEE FOR SAFE NEIGHBORHOOD
[REDACTED]

Your Business Fundamentals Checking Bus Platinum Privileges

for July 1, 2014 to July 31, 2014

Account number: [REDACTED]

SANTA ANA COMMITTEE FOR SAFE NEIGHBORHOOD

Account summary

Beginning balance on July 1, 2014	\$5,249.25
Deposits and other credits	0.00
Withdrawals and other debits	-0.00
Checks	-0.00
Service fees	-0.00
Ending balance on July 31, 2014	\$5,249.25

of deposits/credits: 0

of withdrawals/debits: 0

of items-previous cycle¹: 0

of days in cycle: 31

Average ledger balance: \$5,249.25

¹Includes checks paid, deposited items & other debits

FOR ACTIVE CARD USERS

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Start earning cash back today, simply:

- Sign up for BankAmeriDeals[®] and choose the deals you love
- Pay with your Small Business debit or credit card
- Get cash back automatically credited to your account, in addition to any other rewards you may be earning

Go to bankofamerica.com/getcashdeals to get started.

*Deals up to 15% for active card users. You must be enrolled in Online Banking or Mobile Banking to participate in the BankAmeriDeals program and have either an eligible Bank of America debit or credit card or Merrill Lynch[®] credit card. Select co-brand credit cards are not eligible. Earned cash back will be credited into an eligible checking, savings, money market or credit account in the next month following redemption. For more information, please read the program terms of use at www.bankofamerica.com/serviceagreement. Bank of America, N.A. Member FDIC. ©2014 Bank of America Corporation ARM3JKNJ | AD-04-14-0084 B

IMPORTANT INFORMATION: BANK DEPOSIT ACCOUNTS

Change of address - Please call us at the telephone number listed on the front of this statement to tell us about a change of address.

Deposit agreement - When you opened your account, you received a deposit agreement and fee schedule and agreed that your account would be governed by the terms of these documents, as we may amend them from time to time. These documents are part of the contract for your deposit account and govern all transactions relating to your account, including all deposits and withdrawals. Copies of both the deposit agreement and fee schedule which contain the current version of the terms and conditions of your account relationship may be obtained at our banking centers.

Electronic transfers: In case of errors or questions about your electronic transfers- If you think your statement or receipt is wrong or you need more information about an electronic transfer (e.g., ATM transactions, direct deposits or withdrawals, point-of-sale transactions) on the statement or receipt, telephone or write us at the address and number listed on the front of this statement as soon as you can. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

- Tell us your name and account number.
- Describe the error or transfer you are unsure about, and explain as clearly as you can why you believe there is an error or why you need more information.
- Tell us the dollar amount of the suspected error.

For consumer accounts used primarily for personal, family or household purposes, we will investigate your complaint and will correct any error promptly. If we take more than 10 business days (10 calendar days if you are a Massachusetts customer) (20 business days if you are a new customer, for electronic transfers occurring during the first 30 days after the first deposit is made to your account) to do this, we will credit your account for the amount you think is in error, so that you will have use of the money during the time it will take to complete our investigation.

For other accounts, we investigate, and if we find we have made an error, we credit your account at the conclusion of our investigation.

Reporting other problems - You must examine your statement carefully and promptly. You are in the best position to discover errors and unauthorized transactions on your account. If you fail to notify us in writing of suspected problems or an unauthorized transaction within the time period specified in the deposit agreement (which periods are no more than 60 days after we make the statement available to you and in some cases are 30 days or less), we are not liable to you for, and you agree to not make a claim against us for the problems or unauthorized transactions.

Direct deposits - If you have arranged to have direct deposits made to your account at least once every 60 days from the same person or company, you may call us at the telephone number listed on the front of this statement to find out if the deposit was made as scheduled. You may also review your activity online or visit a banking center for information.

© 2013 Bank of America Corporation

Bank of America, N.A. Member FDIC and  Equal Housing Lender

Service fees

Based upon the activity below, the monthly fee on your Business Fundamentals checking account was waived for the statement period ending 06/30/14:

At least one of the following occurred

- \$250+ in net new purchases on a linked Business debit card
- \$250+ in net new purchases on a linked Business credit card
- \$3,000+ minimum daily balance in primary checking account
- \$5,000+ average monthly balance in primary checking account
- \$15,000+ combined average monthly balance in linked business accounts

A check mark indicates that you have qualified for a monthly fee waiver on the account based on your usage of these products or services. For information on how to open a new product or to link an existing service to your account please call 1-888-BUSINESS or visit bankofamerica.com/smallbusiness.

Daily ledger balances

Date	Balance (\$)
07/01	5,249.25

- To help you **BALANCE YOUR CHECKING ACCOUNT**, visit bankofamerica.com/statementbalance or the Statements and Documents tab in Online Banking for a printable version of the How to Balance Your Account Worksheet.

Check out the Bank of America Small Business Community



It's a convenient and complimentary online resource that can help you grow your business.

- **Read articles** by experts
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AR4P3NCA AD 12-13-0391B

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P.O. Box 15284
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Bus Platinum Privileges

Customer service information

☎ 1.888.BUSINESS (1.888.287.4637)

🌐 bankofamerica.com

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P.O. Box 25118
Tampa, FL 33622-5118

SANTA ANA COMMITTEE FOR SAFE NEIGHBORHOOD
[REDACTED]
[REDACTED]

Your Business Fundamentals Checking Bus Platinum Privileges

for August 1, 2014 to August 31, 2014

SANTA ANA COMMITTEE FOR SAFE NEIGHBORHOOD

Account number: [REDACTED]

Account summary

Beginning balance on August 1, 2014	\$5,249.25
Deposits and other credits	25,000.00
Withdrawals and other debits	-0.00
Checks	-0.00
Service fees	-0.00
Ending balance on August 31, 2014	\$30,249.25

of deposits/credits: 1

of withdrawals/debits: 0

of items-previous cycle¹: 0

of days in cycle: 31

Average ledger balance: \$22,184.73

¹Includes checks paid, deposited items & other debits

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“How Mutual Funds Can Help You Pursue Your Goals”

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Are Not Bank Guaranteed

May Lose Value

ARG9TUAT 55M-05-14 0443.B

IMPORTANT INFORMATION: BANK DEPOSIT ACCOUNTS

Change of address - Please call us at the telephone number listed on the front of this statement to tell us about a change of address.

Deposit agreement - When you opened your account, you received a deposit agreement and fee schedule and agreed that your account would be governed by the terms of these documents, as we may amend them from time to time. These documents are part of the contract for your deposit account and govern all transactions relating to your account, including all deposits and withdrawals. Copies of both the deposit agreement and fee schedule which contain the current version of the terms and conditions of your account relationship may be obtained at our banking centers.

Electronic transfers: In case of errors or questions about your electronic transfers - If you think your statement or receipt is wrong or you need more information about an electronic transfer (e.g., ATM transactions, direct deposits or withdrawals, point-of-sale transactions) on the statement or receipt, telephone or write us at the address and number listed on the front of this statement as soon as you can. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

- Tell us your name and account number.
- Describe the error or transfer you are unsure about, and explain as clearly as you can why you believe there is an error or why you need more information.
- Tell us the dollar amount of the suspected error.

For consumer accounts used primarily for personal, family or household purposes, we will investigate your complaint and will correct any error promptly. If we take more than 10 business days (10 calendar days if you are a Massachusetts customer) (20 business days if you are a new customer, for electronic transfers occurring during the first 30 days after the first deposit is made to your account) to do this, we will credit your account for the amount you think is in error, so that you will have use of the money during the time it will take to complete our investigation.

For other accounts, we investigate, and if we find we have made an error, we credit your account at the conclusion of our investigation.

Reporting other problems - You must examine your statement carefully and promptly. You are in the best position to discover errors and unauthorized transactions on your account. If you fail to notify us in writing of suspected problems or an unauthorized transaction within the time period specified in the deposit agreement (which periods are no more than 60 days after we make the statement available to you and in some cases are 30 days or less), we are not liable to you for, and you agree to not make a claim against us for the problems or unauthorized transactions.

Direct deposits - If you have arranged to have direct deposits made to your account at least once every 60 days from the same person or company, you may call us at the telephone number listed on the front of this statement to find out if the deposit was made as scheduled. You may also review your activity online or visit a banking center for information.

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Deposits and other credits

Date	Description	Amount
08/11/14	Counter Credit	25,000.00
Total deposits and other credits		\$25,000.00

Service fees

Based upon the activity below, the monthly fee on your Business Fundamentals checking account was waived for the statement period ending 07/31/14:

At least one of the following occurred

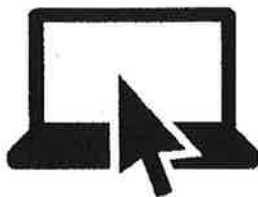
- \$250+ in net new purchases on a linked Business debit card
- \$250+ in net new purchases on a linked Business credit card
- \$3,000+ minimum daily balance in primary checking account
- \$5,000+ average monthly balance in primary checking account
- \$15,000+ combined average monthly balance in linked business accounts

A check mark indicates that you have qualified for a monthly fee waiver on the account based on your usage of these products or services. For information on how to open a new product or to link an existing service to your account please call 1-888-BUSINESS or visit bankofamerica.com/smallbusiness.

Daily ledger balances

Date	Balance (\$)	Date	Balance(\$)
08/01	5,249.25	08/11	30,249.25

- To help you BALANCE YOUR CHECKING ACCOUNT, visit bankofamerica.com/statementbalance or the Statements and Documents tab in Online Banking for a printable version of the How to Balance Your Account Worksheet.



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Customer service information

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SANTA ANA COMMITTEE FOR SAFE NEIGHBORHOOD



Your Business Fundamentals Checking Bus Platinum Privileges

for September 1, 2014 to September 30, 2014

SANTA ANA COMMITTEE FOR SAFE NEIGHBORHOOD

Account number:

Account summary

Beginning balance on September 1, 2014	\$30,249.25
Deposits and other credits	0.00
Withdrawals and other debits	-0.00
Checks	-3,000.00
Service fees	-0.00
Ending balance on September 30, 2014	\$27,249.25

of deposits/credits: 0
 # of withdrawals/debits: 1
 # of items-previous cycle¹: 1
 # of days in cycle: 30
 Average ledger balance: \$30,049.25
¹Includes checks paid, deposited items & other debits

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great ideas.**

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IMPORTANT INFORMATION: BANK DEPOSIT ACCOUNTS

Change of address - Please call us at the telephone number listed on the front of this statement to tell us about a change of address.

Deposit agreement - When you opened your account, you received a deposit agreement and fee schedule and agreed that your account would be governed by the terms of these documents, as we may amend them from time to time. These documents are part of the contract for your deposit account and govern all transactions relating to your account, including all deposits and withdrawals. Copies of both the deposit agreement and fee schedule which contain the current version of the terms and conditions of your account relationship may be obtained at our banking centers.

Electronic transfers: In case of errors or questions about your electronic transfers- If you think your statement or receipt is wrong or you need more information about an electronic transfer (e.g., ATM transactions, direct deposits or withdrawals, point-of-sale transactions) on the statement or receipt, telephone or write us at the address and number listed on the front of this statement as soon as you can. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

- Tell us your name and account number.
- Describe the error or transfer you are unsure about, and explain as clearly as you can why you believe there is an error or why you need more information.
- Tell us the dollar amount of the suspected error.

For consumer accounts used primarily for personal, family or household purposes, we will investigate your complaint and will correct any error promptly. If we take more than 10 business days (10 calendar days if you are a Massachusetts customer) (20 business days if you are a new customer, for electronic transfers occurring during the first 30 days after the first deposit is made to your account) to do this, we will credit your account for the amount you think is in error, so that you will have use of the money during the time it will take to complete our investigation.

For other accounts, we investigate, and if we find we have made an error, we credit your account at the conclusion of our investigation.

Reporting other problems - You must examine your statement carefully and promptly. You are in the best position to discover errors and unauthorized transactions on your account. If you fail to notify us in writing of suspected problems or an unauthorized transaction within the time period specified in the deposit agreement (which periods are no more than 60 days after we make the statement available to you and in some cases are 30 days or less), we are not liable to you for, and you agree to not make a claim against us for the problems or unauthorized transactions.

Direct deposits - If you have arranged to have direct deposits made to your account at least once every 60 days from the same person or company, you may call us at the telephone number listed on the front of this statement to find out if the deposit was made as scheduled. You may also review your activity online or visit a banking center for information.

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Checks

Date	Check #	Amount
09/29/14	991	-3,000.00
Total checks		-\$3,000.00
Total # of checks	1	

Service fees

Based upon the activity below, the monthly fee on your Business Fundamentals checking account was waived for the statement period ending 08/29/14:

At least one of the following occurred

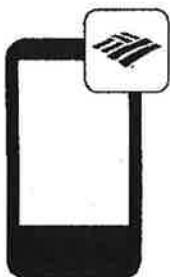
- \$250+ in net new purchases on a linked Business debit card
- \$250+ in net new purchases on a linked Business credit card
- \$3,000+ minimum daily balance in primary checking account
- \$5,000+ average monthly balance in primary checking account
- \$15,000+ combined average monthly balance in linked business accounts

A check mark indicates that you have qualified for a monthly fee waiver on the account based on your usage of these products or services. For information on how to open a new product or to link an existing service to your account please call 1-888-BUSINESS or visit bankofamerica.com/smallbusiness.

Daily ledger balances

Date	Balance (\$)	Date	Balance(\$)
09/01	30,249.25	09/29	27,249.25

- To help you **BALANCE YOUR CHECKING ACCOUNT**, visit bankofamerica.com/statementbalance or the Statements and Documents tab in Online Banking for a printable version of the How to Balance Your Account Worksheet.



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- Locate ATMs or banking centers

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AR6SHU7N | AD-03-14-0284.B

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Exhibit A-20



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Customer service information

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SANTA ANA COMMITTEE FOR SAFE NEIGHBORHOOD

Your Business Fundamentals Checking Bus Platinum Privileges

for October 1, 2014 to October 31, 2014

SANTA ANA COMMITTEE FOR SAFE NEIGHBORHOOD

Account number: [REDACTED]

Account summary

Beginning balance on October 1, 2014	\$27,249.25
Deposits and other credits	0.00
Withdrawals and other debits	-23,000.00
Checks	-4,000.00
Service fees	-0.00
Ending balance on October 31, 2014	\$249.25

of deposits/credits: 0

of withdrawals/debits: 2

of items-previous cycle¹: 1

of days in cycle: 31

Average ledger balance: \$10,539.57

¹Includes checks paid, deposited items & other debits



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IMPORTANT INFORMATION: BANK DEPOSIT ACCOUNTS

Change of address - Please call us at the telephone number listed on the front of this statement to tell us about a change of address.

Deposit agreement - When you opened your account, you received a deposit agreement and fee schedule and agreed that your account would be governed by the terms of these documents, as we may amend them from time to time. These documents are part of the contract for your deposit account and govern all transactions relating to your account, including all deposits and withdrawals. Copies of both the deposit agreement and fee schedule which contain the current version of the terms and conditions of your account relationship may be obtained at our banking centers.

Electronic transfers: In case of errors or questions about your electronic transfers- If you think your statement or receipt is wrong or you need more information about an electronic transfer (e.g., ATM transactions, direct deposits or withdrawals, point-of-sale transactions) on the statement or receipt, telephone or write us at the address and number listed on the front of this statement as soon as you can. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

- Tell us your name and account number.
- Describe the error or transfer you are unsure about, and explain as clearly as you can why you believe there is an error or why you need more information.
- Tell us the dollar amount of the suspected error.

For consumer accounts used primarily for personal, family or household purposes, we will investigate your complaint and will correct any error promptly. If we take more than 10 business days (10 calendar days if you are a Massachusetts customer) (20 business days if you are a new customer, for electronic transfers occurring during the first 30 days after the first deposit is made to your account) to do this, we will credit your account for the amount you think is in error, so that you will have use of the money during the time it will take to complete our investigation.

For other accounts, we investigate, and if we find we have made an error, we credit your account at the conclusion of our investigation.

Reporting other problems - You must examine your statement carefully and promptly. You are in the best position to discover errors and unauthorized transactions on your account. If you fail to notify us in writing of suspected problems or an unauthorized transaction within the time period specified in the deposit agreement (which periods are no more than 60 days after we make the statement available to you and in some cases are 30 days or less), we are not liable to you for, and you agree to not make a claim against us for the problems or unauthorized transactions.

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Withdrawals and other debits

Date	Description	Amount
10/10/14	WIRE TYPE:WIRE OUT DATE:141010 TIME:1601 ET TRN:2014101000306848 SERVICE REF:011666 BNF:VENTURE STRATEGIC INC ID:204647622 BNF BK:CITI BANK, N.A. ID:322271724 PMT OET:43BU8ZGGM Services	-23,000.00
Total withdrawals and other debits		-\$23,000.00

Checks

Date	Check #	Amount
10/29/14	992	-4,000.00
Total checks		-\$4,000.00
Total # of checks		1

Service fees

Based upon the activity below, the monthly fee on your Business Fundamentals checking account was waived for the statement period ending 09/30/14:

At least one of the following occurred

- \$250+ in net new purchases on a linked Business debit card
- \$250+ in net new purchases on a linked Business credit card
- \$3,000+ minimum daily balance in primary checking account
- \$5,000+ average monthly balance in primary checking account
- \$15,000+ combined average monthly balance in linked business accounts

A check mark indicates that you have qualified for a monthly fee waiver on the account based on your usage of these products or services. For information on how to open a new product or to link an existing service to your account please call 1-888-BUSINESS or visit bankofamerica.com/smallbusiness.

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Join us at [#troopthanks](https://twitter.com/troopthanks) or bankofamerica.com/troopthanks.

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Daily ledger balances

Date	Balance (\$)	Date	Balance(\$)	Date	Balance (\$)
10/01	27,249.25	10/10	4,249.25	10/29	249.25

To help you BALANCE YOUR CHECKING ACCOUNT, visit bankofamerica.com/statementbalance or the Statements and Documents tab in Online Banking for a printable version of the How to Balance Your Account Worksheet.

Amount: \$4,000.00

Sequence Number: 4942916171

Account: [REDACTED]

Capture Date: 10/29/2014

Bank Number: 12100035

Check Number: 992

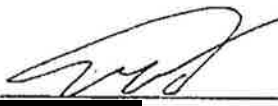
0992
11-25/1210 CA
70310

DATE 10/24/14

PAY TO THE ORDER OF: SANTA ANA NEIGHBORS FOR ETHICAL GOVERNMENT \$ 4,000

FOUR THOUSAND DOLLARS

Bank of America

FOR ID # 1369043 

⑈0000992⑈ ⑆121000358⑆ [REDACTED]

Seq: 66
Batch: 643941
Date: 10/29/14

Seq: 00066 10/29/14
BAT: 643941 CC: 3188802519
WT: 01 LTPS: Jacksonville PT
BC: Irvine Spectrum BC CA6-225

PAY TO THE ORDER OF
BANK OF AMERICA
ALSO VIEW, CA 92686-6041
FOR DEPOSIT ONLY
SANTA ANA NEIGHBORS FOR
ETHICAL GOVERNMENT

Electronic Endorsements:

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
10/29/2014	4942916171	122000661	Rtn Loc/BOFD	Y		BANK OF AMERICA, NA

Exhibit A-21

497 Contribution Report

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

497 CONTRIBUTION REPORT

NAME OF FILER Santa Ana Neighbors for Ethical Government opposing Pulido for Mayor		Date of This Filing 10/29/2014		Date Stamp E-Filed 10/29/2014 14:52:09 Filing ID: 152809577		CALIFORNIA FORM 497 For Official Use Only	
AREA CODE/PHONE NUMBER (949) 858-7448		I.D. NUMBER (if applicable) 1369043		Report No. 2014-4		<input type="checkbox"/> Amendment to Report No. _____ (explain below)	
STREET ADDRESS Santa Ana		STATE CA		ZIP CODE 92704		No. of Pages 2	

1. Contribution(s) Received

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR <small>(IF COMMITTEE, ALSO ENTER I.D. NUMBER)</small>	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER <small>(IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)</small>	AMOUNT RECEIVED
10/28/2014	David Benavides for City Council Santa Ana, CA 92705 Committee ID # 1350874	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		8,325.00 <input type="checkbox"/> Check if Loan Provide interest rate _____ %
10/28/2014	Dyer 18 Holding, LLC Irvine, CA 92614	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		20,000.00 <input type="checkbox"/> Check if Loan Provide interest rate _____ %
10/28/2014	Madison Materials, Inc Santa Ana, CA 92701	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		3,500.00 <input type="checkbox"/> Check if Loan Provide interest rate _____ %

*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

Reason for Amendment: _____

497 Contribution Report

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

497 CONTRIBUTION REPORT

NAME OF FILER

Santa Ana Neighbors for Ethical Government opposing Pulido for Mayor

AREA CODE/PHONE NUMBER

(949) 858-7448

I.D. NUMBER (if applicable)
1369043

STREET ADDRESS

Date of This Filing 10/29/2014

Report No. 2014-4

Amendment to Report No. (explain below)

No. of Pages 2

Date Stamp

CALIFORNIA FORM 497

For Official Use Only

CITY STATE ZIP CODE
Santa Ana CA 92704

1. Contribution(s) Received

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER ID. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED
10/28/2014	Santa Ana Committee for Safe Neighbors and Safe Access Santa Ana, CA 92705 Committee ID # 1358515	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		4,000.00 <input type="checkbox"/> Check if Loan Provide interest rate _____%
10/28/2014	Ware Disposal Inc Santa Ana, CA 92710	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		3,500.00 <input type="checkbox"/> Check if Loan Provide interest rate _____%

Reason for Amendment: _____

*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

Exhibit A-22



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

April 25, 2019

Van Ton
[REDACTED]
[REDACTED]

NOTICE OF DEFAULT DECISION AND ORDER

Re: FPPC No. 15/1004, In the Matter of Santa Ana Committee for Safe Neighborhoods and Safe Access Supporting Measure BB and Opposing Measure CC and Van Ton

Dear Mr. Ton:


On March 26, 2019, you were personally served with an accusation in the above referenced matter. Pursuant to the Administrative Procedure Act, you were required to file a notice of defense within 15 days after service of the accusation to request an administrative hearing. You did not file a notice of defense. **As a result, you have waived your right to an administrative hearing.**¹

The Fair Political Practices Commission (the "Commission") will proceed with a default, decision and order ("default") against you. The initial notice of this default will appear on the published agenda for the Commission's public meeting on May 16, 2019. This agenda will be public and you could be contacted by the media with questions. The Commission will be asked to adopt the default at the subsequent public meeting on June 13, 2019 and impose an administrative penalty of \$43,000 against you.

Following the issuance of the default, the Commission will obtain a judgment in superior court for the amount owed and then take action to collect the judgment. Please be advised that administrative penalties for violations of the Political Reform Act cannot be discharged in bankruptcy proceedings.

You may still resolve this matter informally by way of a stipulated settlement if an agreement can be reached prior to this matter appearing for consideration by the Commission. Please contact me at (916) 323-6421 or tgilbertson@fppc.ca.gov if you wish to enter into a settlement to resolve this matter in its entirety.

Sincerely,


Theresa Gilbertson
Commission Counsel
Enforcement Division

¹ Government Code section 11505.

Exhibit A-23



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

May 23, 2019

Van Ton
[REDACTED]
[REDACTED]

USPS and via electronic transmission: [REDACTED]

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

**Re: FPPC No. 15/1004
In the Matter of Santa Ana Committee for Safe Neighborhoods and Safe
Access Supporting Measure BB and Opposing Measure CC and Van Ton**

Dear Mr. Ton:

On March 26, 2019 you were personally served with an accusation in the above referenced matter. Pursuant to the Administrative Procedure Act, you were required to file a notice of defense within 15 days after service of the accusation to request an administrative hearing. You did not file a notice of defense. **As a result, you have waived your right to an administrative hearing.**¹

The Fair Political Practices Commission (the "Commission") will proceed with a default, decision and order ("default") against you. The initial notice of this default appeared on the published agenda for the Commission's public meeting on **May 16, 2019**. The Commission will be asked to adopt the default at its public meeting scheduled for **June 13, 2019** and impose an administrative penalty of \$43,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on June 13, 2019 is enclosed with this letter.


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.

¹ Government Code section 11505.

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 June 13, 2019 meeting. Please contact me at (916) 323-6421 or tgilbertson@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,



Theresa Gilbertson
Commission Counsel
Enforcement Division

Enclosures

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811. On 05/23/2019, I served the following document(s): FPPC Case No. 15/1004: Default, Decision and Order, and Exhibit 1, Exhibits A1-A23, and Cover Letter.

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 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 first class mail, 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

USPS

Van Ton
[REDACTED]
[REDACTED]

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on May 23, 2019.



Dominika Wojenska