

1 GALENA WEST  
Chief of Enforcement  
2 JENNA C. RINEHART  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street, Suite 3000  
4 Sacramento, CA 95811  
Telephone: (916) 323-6302  
5 Email: JRinehart@fppc.ca.gov

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

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
9 STATE OF CALIFORNIA

10  
11 In the Matter of ) FPPC No. 16/20070  
12 )  
13 ANTONIO FLORES, ) DEFAULT DECISION AND ORDER  
14 )  
15 Respondent. ) (Gov. Code Sections 11506 and 11520)  
16

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

20 Pursuant to the California Administrative Procedure Act,<sup>1</sup> Antonio Flores (“Flores”) has been  
21 served with all of the documents necessary to conduct an administrative hearing regarding the above-  
22 captioned matter, including the following:

- 23 1. An Order Finding Probable Cause;
- 24 2. An Accusation;
- 25 3. A Notice of Defense (Two Copies);

26  
27 <sup>1</sup> The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections  
28 11370 through 11529 of the Government Code.

1 4. A Statement to Respondent; and

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

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

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

15  
16 Dated: 18Sept2020



Galena West, Chief of Enforcement  
Fair Political Practices Commission

17  
18  
19  
20 **ORDER**

21 The Commission issues this Default Decision and Order and imposes a total administrative  
22 penalty of \$8,000 upon Antonio Flores, payable to the "General Fund of the State of California."

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

25  
26 Dated: \_\_\_\_\_

Richard C. Miadich, Chair  
Fair Political Practices Commission

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent, Antonio Flores (“Flores”), was appointed as Governing Board Member for the Dunsmuir Elementary School District in the County of Siskiyou on March 15, 2016 and left office on December 2, 2016.

The Political Reform Act (the “Act”)<sup>1</sup> requires designated employees to disclose their reportable economic interests on a Statement of Economic Interests (“SEI”) at various times pursuant to their agency’s Conflict of Interest Code.

This matter arose out of a non-filer referral filed with the Fair Political Practices Commission’s (the “Commission”) Enforcement Division.

As a Governing Board Member, Flores had a duty to file an Assuming Office SEI by the April 14, 2016 due date and a Leaving Office SEI by the January 2, 2017 due date. Flores failed to timely file an Assuming Office SEI and a Leaving Office SEI.

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

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

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

---

<sup>1</sup> 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.

<sup>2</sup> Section 83116.

<sup>3</sup> The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code; Section 831116.

<sup>4</sup> Section 11503.

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

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

## PROCEDURAL REQUIREMENTS AND HISTORY

### A. Initiation of the Administrative Action

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

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

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

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

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Flores in this matter by serving him with a Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by certified mail.<sup>12</sup> Flores was served with the Report on March 5, 2020. (Certification Exhibit A-2). The administrative action commenced on March 5, 2020, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on Flores contained a cover letter and a memorandum describing probable cause proceedings, advising that Flores had 21 days in which to request a probable cause conference and/or to file a written response to the Report.

---

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

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

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

<sup>9</sup> Section 83115.5.

<sup>10</sup> Section 83115.5.

<sup>11</sup> Section 91000.5.

<sup>12</sup> Section 83115.5.

(Certification, Exhibit A-3). Flores did not request a probable cause conference or submit a written response to the Report.

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

Because Flores failed to request a probable cause conference or submit a written response to the Report by the statutory deadline, the Enforcement Division submitted an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served to the Hearing Officer of the Commission on or around April 17, 2020. (Certification, Exhibit A-4).

On April 21, 2020, the Hearing Officer, Legal Division, John M. Feser Jr., issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Flores. (Certification, Exhibit A-5).

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

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

Section 11503 states:

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

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

---

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

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

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

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 sets forth in the APA.<sup>16</sup>

On June 8, 2020, the Commission's Chief of Enforcement, Galena West, issued an Accusation against Flores. (Certification, Exhibit A-6). In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form, copies of Government Code Sections 11506, 11507.5, 11507.6, and 11507.7, were served upon Flores by personal service on June 13, 2020. (Certification, Exhibit A-7).

Along with the Accusation, the Enforcement Division served Flores with a "Statement to Respondent," which notified him that he could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, he would be deemed to have waived the right to a hearing. (Certification, Exhibit A-8). Flores did not file a Notice of Defense within the statutory time period, which ended on June 29, 2020.

As a result, on August 11, 2020, the Enforcement Division sent a letter to Flores advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for October 15, 2020. (Certification, Exhibit A-15).

On September 22, 2020, the Enforcement Division sent another letter to Flores advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for October 15, 2020. (Certification, Exhibit A-16). A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

## **SUMMARY OF THE LAW**

The Act and its regulations are amended from time to time. The violations in this case occurred in 2016 and 2017. For this reason, all legal references and discussions of law pertain to the Act's provisions as they existed at that time.

A central purpose of the Act is to increase transparency and decrease conflicts of interest in the actions of public officials by requiring disclosure of their economic interests.<sup>17</sup> In furtherance of this purpose, in 2016 through 2017, the Act required every state and local agency to develop a Conflict of Interest Code.<sup>18</sup> These codes must designate those officials who participate in making decisions which may foreseeably have a material financial effect on any financial interest belonging to that official and require those designated officials to disclose all reportable interests

---

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

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

<sup>18</sup> Section 87300.

on SEIs.<sup>19</sup> The requirements of an agency's Conflict of Interest Code have the force of law, and any violation of those requirements is deemed a violation of the Act.<sup>20</sup>

The Siskiyou County Conflict of Interest Code designated Governing Board Members with the Dunsmuir Elementary School District as a position required to provide full disclosure including all schedules, investments and business positions, interests in real property, and income.<sup>21</sup> The County of Siskiyou incorporated by reference Regulation 18730 into its Conflict of Interest Code. Regulation 18730 outlines the timing for disclosing the designated employees' economic interests as follows: all persons assuming designated positions shall file Assuming Office statements within 30 days after assuming the designated position;<sup>22</sup> all designated employees shall annually file statements no later than April 1;<sup>23</sup> and all persons who leave designated positions shall file Leaving Office statements within 30 days after leaving office.<sup>24</sup>

### SUMMARY OF THE EVIDENCE

Flores assumed office as a Governing Board Member with the Siskiyou County Dunsmuir Elementary School District on March 15, 2016 and left office on December 2, 2016. (Certification, Exhibit A-10 and Exhibit A-11). The Siskiyou County Conflict of Interest Code designated Governing Board Members with the Dunsmuir Elementary School District as a position required to file SEIs. (Certification, Exhibit A-9).

As a designated official with the Siskiyou County Dunsmuir Elementary School District, Flores was required to file an Assuming Office SEI by the April 14, 2016 due date. According to the Siskiyou County Clerk's Office, Flores did not timely file an Assuming Office SEI. (Certification, Exhibit A-12).

As a designated official with the Siskiyou County Dunsmuir Elementary School District, Flores was required to file a Leaving Office SEI by the January 2, 2017 due date. According to the Siskiyou County Clerk's Office, Flores did not timely file a Leaving Office SEI. (Certification, Exhibit A-12).

Before referring the case to the Enforcement Division, the filing officer, Siskiyou County Clerk's Office, sent letters to Flores dated April 25, 2016, June 28, 2016, and July 21, 2016 to remind him of his Assuming Office SEI filing obligation. (Certification, Exhibit A-13). On September 19, 2016, after not receiving compliance from Flores regarding his outstanding Assuming Office SEI, the Siskiyou County Clerk's Office referred the matter to the Enforcement Division. The Siskiyou County Clerk's Office sent letters to Flores dated August 2, 2019 and November 4, 2019 to remind him of his Leaving Office SEI filing obligation. (Certification, Exhibit A-14).

---

<sup>19</sup> Section 87302, subdivision (a).

<sup>20</sup> Section 87300.

<sup>21</sup> Siskiyou County Conflict of Interest Code.

<sup>22</sup> Regulation 18730, subdivision (b)(5)(B).

<sup>23</sup> Regulation 18730, subdivision (b)(5)(C).

<sup>24</sup> Regulation 18730, subdivision (b)(5)(D).

On July 14, 2020, the filing officer, Siskiyou County Clerk's Office, confirmed that Flores' Assuming Office and Leaving Office SEIs have not been filed and remain outstanding. (Certification, Exhibit A-12).

### Summary of Contact

The Enforcement Division contacted Flores numerous times regarding his outstanding filings and possible settlement. At various points, Flores engaged in the process but ultimately failed to complete the terms of the settlement offer.

Overall, the Enforcement Division contacted Flores at least 36 times throughout this case, as follows:

- December 20, 2016: letter sent via U.S. Mail
- August 26, 2019: telephone call
- September 17, 2019: telephone call
- September 18, 2019: letter sent via U.S. Mail
- September 23, 2019: telephone call
- September 24, 2019: telephone call
- October 8, 2019: telephone call
- October 17, 2019: telephone call
- October 29, 2019: telephone call
- November 1, 2019: telephone call
- November 4, 2019: telephone call; letter sent via U.S. Mail; email sent
- November 6, 2019: email sent
- November 18, 2019: email sent
- November 22, 2019: telephone call; email sent
- November 25, 2019: telephone call; email sent
- December 2, 2019: telephone call
- December 6, 2019: email sent; letter sent via U.S. Mail
- December 13, 2019: telephone call; email sent
- December 18, 2019: telephone call; email sent
- December 20, 2019: email sent
- February 19, 2020: telephone call
- February 26, 2020: telephone call
- March 5, 2020: Report in Support of a Finding of Probable Cause served on Flores via certified mail
- April 21, 2020: copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation be Prepared and Served sent to Flores via U.S. Mail
- May 15, 2020: email sent
- May 19, 2020: letter sent via U.S. Mail
- June 13, 2020: Accusation personally served on Flores
- August 11, 2020: letter sent via U.S. Mail and email to Flores informing him that a Default Decision and Order would appear on the agenda for the September 17, 2020 Commission meeting as a notice item

- September 22, 2020: letter sent via U.S. Mail and email to Flores regarding Notice of Intent to Enter Default Decision and Order informing him the Default Decision and Order would be presented at the October 15, 2020 meeting for Commission action

## **VIOLATIONS**

Flores committed two violations of the Act as follows:

### COUNT 1

#### **Failure to Timely File Assuming Office SEI**

Flores failed to timely file his Assuming Office SEI by the April 14, 2016 due date, in violation of Government Code Section 87300.

### COUNT 2

#### **Failure to Timely File Leaving Office SEI**

Flores failed to timely file his Leaving Office SEI by the January 2, 2017 due date, in violation of Government Code Section 87300.

## **CONCLUSION**

This matter consists of two counts of violating the Act, which carry a maximum total administrative penalty of \$10,000.<sup>25</sup>

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors set forth in Regulation 18361.5, subdivision (d)(1) through (6): (1) The seriousness of the violation; (2) The presence or absence of any intention to conceal, deceive or mislead; (3) Whether the violation was deliberate, negligent or inadvertent; (4) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code Section 83114, 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 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, Flores failed to timely file his Assuming Office SEI and his Leaving Office SEI for his position as a Governing Board Member for the Dunsmuir Elementary School District. The public harm inherent in SEI filing violations is that the public is deprived of important information about the assets and income of public officials. Here, the public has been denied

---

<sup>25</sup> Section 83116, subdivision (c).

information regarding economic interests Flores held between March 15, 2015 and December 2, 2016.

Flores has no prior record of violations of the Act. Also, Flores is no longer in office as a Governing Board Member for the Dunsmuir Elementary School District.

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

- *In the Matter of Lola Skelton*; FPPC No. 16/19779. (The Commission approved a default decision on February 15, 2018.) The respondent failed to timely file two SEIs despite being contacted several times regarding this matter. The respondent never filed these outstanding SEIs. At that time, respondent was still in office. The respondent had prior enforcement history for failing to timely file SEIs. The Commission imposed a penalty of \$5,000 per count, \$10,000 in total for these violations.
- *In the Matter of Allison Scott*; FPPC No. 15/1129. (The Commission approved a default decision on April 20, 2017.) The respondent failed to timely file four SEIs. At that time, respondent was still in office. The respondent eventually filed her outstanding SEIs. The Commission imposed a penalty of \$3,000 per count, \$12,000 in total for these violations.

These cases are distinguishable from the present matter as Flores does not have prior enforcement history for failing to timely file SEIs and Flores was no longer in office at the time he was contacted by the Enforcement Division.

### **PROPOSED PENALTY**

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$4,000 per count, for a total penalty of \$8,000, is recommended.



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

**CERTIFICATION OF RECORDS**

The undersigned declares and certifies as follows:

1. I am employed as an Associate Governmental Program Analyst by the California Fair Political Practices Commission (Commission). My business address is: California Fair Political Practices Commission, 1102 Q St, Ste 3000, Sacramento, CA 95811.
2. I am a duly authorized custodian of the records maintained by the Commission in the Enforcement Division. As such, I am authorized to certify copies of those records as being true and correct copies of the original business records which are in the custody of the Commission.
3. I have reviewed documents maintained in *FPPC Case No. 16/20070; Antonio Flores* 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 March 2, 2020

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated March 2, 2020, and accompanying certified mail receipts and USPS tracking

EXHIBIT A-3: Cover letter to the Respondent regarding the Report in Support of a Finding of Probable Cause, dated March 2, 2020, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated April 17, 2020

EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated April 21, 2020

- EXHIBIT A-6: Accusation, dated June 8, 2020
- EXHIBIT A-7: Proof of Service for Accusation and accompanying documents from process server, dated June 17, 2020
- EXHIBIT A-8: Statement to Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation, dated June 8, 2020
- EXHIBIT A-9: Siskiyou County Conflict of Interest Codes, effective October 1, 2014 to September 30, 2016 and effective October 1, 2016 to September 30, 2018
- EXHIBIT A-10: Statement of Economic Interests Form 700 Non-Filer Enforcement Referral from County Clerk-Registrar of Voters for the County of Siskiyou, dated September 19, 2016
- EXHIBIT A-11: Email from Deputy County Clerk for the County of Siskiyou to Shaina Elkin, Staff Services Analyst, dated August 5, 2019
- EXHIBIT A-12: Email from Assistant County Clerk for the County of Siskiyou, dated July 14, 2020
- EXHIBIT A-13: Letters from Deputy County Clerk for the County of Siskiyou, dated April 25, 2016, June 28, 2016, and July 21, 2016
- EXHIBIT A-14: Letters from Deputy County Clerk for the County of Siskiyou, dated August 2, 2019 and November 4, 2019
- EXHIBIT A-15: Notice of Default Decision and Order, dated August 11, 2020
- EXHIBIT A-16: Notice of Intent to Enter Default Decision and Order, dated September 18, 2020

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 18, 2020, at Sacramento, California.

**Dominika  
Wojenska** Digitally signed by  
Dominika Wojenska  
Date: 2020.09.18  
15:25:02 -07'00'

---

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

**Exhibit A-1**

1 GALENA WEST  
Chief of Enforcement  
2 JENNA C. RINEHART  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street, Suite 3000  
Sacramento, CA 95811  
4 Telephone: (916) 323-6302  
5 Email: JRinehart@fppc.ca.gov

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

8  
9 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

10 **STATE OF CALIFORNIA**

11 In the Matter of:

12 ANTONIO FLORES,

13 Respondent.

FPPC Case No. 16/20070

14 **REPORT IN SUPPORT OF A FINDING  
15 OF PROBABLE CAUSE**

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

17 **INTRODUCTION**

18 Respondent, Antonio Flores (“Flores”), was appointed to Governing Board Member for the  
19 Dunsmuir Elementary School District in the County of Siskiyou on March 15, 2016 and left office on  
20 December 2, 2016.

21 The Political Reform Act (the “Act”)<sup>1</sup> requires designated employees to disclose their reportable  
22 economic interests on a Statement of Economic Interests (“SEI”) at various times pursuant to their  
23 agency’s Conflict of Interest Code. Flores, a designated employee, violated the Act by failing to timely  
24 file an Assuming Office SEI by the April 14, 2016 due date and a Leaving Office SEI by the January 2,  
25 2017 due date for his position with the Dunsmuir Elementary School District.

26  
27 <sup>1</sup> The Political Reform Act – sometimes simply referred to as the Act – is contained in Government Code sections  
28 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 **SUMMARY OF THE LAW**

2 The Act and its regulations are amended from time to time. The discussion below regarding  
3 jurisdiction, the standard for finding probable cause, and the contents of the probable cause report  
4 includes references to current law. Unless otherwise noted, all other legal references and discussions of  
5 law pertain to the Act’s provisions as they existed at the time of the violations in this case.

6 **Jurisdiction**

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

9 **Probable Cause Proceedings**

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

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.<sup>6</sup>

19 **Contents of the Probable Cause Report**

20 The probable cause report is required to contain a summary of the law and evidence gathered in  
21 connection with the investigation, including any exculpatory and mitigating information of which the  
22 staff has knowledge and any other relevant material and arguments. The evidence recited in the probable  
23 cause report may include hearsay.<sup>7</sup>

24 ///

25  
26 \_\_\_\_\_  
27 <sup>2</sup> Section 83116.  
<sup>3</sup> Section 83115.5 and Regulations 18361 and 18361.4.  
<sup>4</sup> Section 11500, et seq.  
<sup>5</sup> Section 83116 and Regulation 18361.4, subdivision (e).  
<sup>6</sup> Section 18361.4, subdivision (e).  
<sup>7</sup> Regulation 18361.4, subdivision (a).

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

2 When enacting the Act, the people of California found and declared that previous laws regulating  
3 political practices suffered from inadequate enforcement by state and local authorities.<sup>8</sup> Thus, it was  
4 decreed the Act “should be liberally construed to accomplish its purposes.”<sup>9</sup>

5 One central purpose of the Act is to increase transparency and decrease conflicts of interest in the  
6 actions of public officials by requiring disclosure of their economic interests.<sup>10</sup> Another is to provide  
7 adequate enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>11</sup>

8 **Conflict of Interest Codes**

9 The Act requires every state and local agency to develop a Conflict of Interest Code.<sup>12</sup> These  
10 codes must designate those officials who participate in making decisions which may foreseeably have a  
11 material financial effect on any financial interest belonging to that official and require those designated  
12 officials to disclose all reportable interests on SEIs.<sup>13</sup> The requirements of an agency’s Conflict of  
13 Interest Code have the force of law, and any violation of those requirements is deemed a violation of the  
14 Act.<sup>14</sup>

15 **Conflict of Interest Code for Dunsmuir Elementary School District**

16 The Siskiyou County Conflict of Interest Code designated Governing Board Members with the  
17 Dunsmuir Elementary School District as a position required to provide full disclosure including all  
18 schedules, investments and business positions, interests in real property, and income.<sup>15</sup>

19 **Regulation 18730**

20 The County of Siskiyou incorporated by reference Regulation 18730 into its Conflict of Interest  
21 Code. Regulation 18730 outlines the timing for disclosing the designated employees’ economic interests  
22 as follows: all persons assuming designated positions shall file Assuming Office statements within 30  
23 days after assuming the designated position;<sup>16</sup> all designated employees shall annually file statements no

24  
25 <sup>8</sup> Section 81001, subdivision (h).  
<sup>9</sup> Section 81003.  
26 <sup>10</sup> Section 81002, subdivision (c).  
<sup>11</sup> Section 81002, subdivision (f).  
27 <sup>12</sup> Section 87300.  
<sup>13</sup> Section 87302, subdivision (a).  
28 <sup>14</sup> Section 87300.  
<sup>15</sup> Siskiyou County Conflict of Interest Code.  
<sup>16</sup> Regulation 18730, subdivision (b)(5)(B).

1 later than April 1;<sup>17</sup> and all persons who leave designated positions shall file Leaving Office statements  
2 within 30 days after leaving office.<sup>18</sup>

### 3 **Liability for Violations**

4 Any person who violates any provision of the Act, who purposely or negligently causes any  
5 other person to violate any provision of the Act, or who aids and abets any other person in the violation  
6 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>19</sup>

### 7 **SUMMARY OF THE EVIDENCE**

8 Flores served as a Board Member for the Dunsmuir Elementary School District from March 15,  
9 2016 to December 2, 2016. For his position as a Board Member, Flores did not file any SEIs. Flores  
10 failed to timely file his Assuming Office SEI by the April 14, 2016 due date and his Leaving Office SEI  
11 by the January 2, 2017 due date.

12 The County Clerk for the County of Siskiyou contacted Flores at least three times in writing  
13 between April 25, 2016 and July 21, 2016 to remind him of his Assuming Office SEI filing obligations.  
14 After not receiving compliance from Flores regarding his outstanding Assuming Office SEI, the County  
15 of Siskiyou referred the matter to the Enforcement Division. The County Clerk for the County of  
16 Siskiyou contacted Flores at least two times in writing between August 2, 2019 and November 4, 2019  
17 to remind him of his Leaving Office SEI filing obligations.

18 The Enforcement Division contacted Flores at least nine times in writing and seven times via  
19 telephone between November 1, 2019 and December 20, 2019 regarding his filing obligations. As of the  
20 date of this Report, Flores has not filed his Assuming Office SEI or his Leaving Office SEI.

### 21 **VIOLATIONS**

#### 22 Count 1: Failure to Timely File Assuming Office SEI

23 Flores failed to timely file his Assuming Office SEI by the April 14, 2016 due date, in violation  
24 of Government Code Section 87300.

25  
26 ///

27  
28 <sup>17</sup> Regulation 18730, subdivision (b)(5)(C).

<sup>18</sup> Regulation 18730, subdivision (b)(5)(D).

<sup>19</sup> Sections 83116 and 83116.5.

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

2 Flores failed to timely file his Leaving Office SEI by the January 2, 2017 due date, in violation  
3 of Government Code Section 87300.

4 **EXCULPATORY AND MITIGATING INFORMATION**

5 As of December 2, 2016, Flores is no longer in office. Also, Flores has no prior enforcement  
6 history.

7 **OTHER RELEVANT MATERIAL AND ARGUMENTS**

8 Flores was notified of his filing obligations on at least 21 different communications. While in  
9 office, Flores did not file any of the required SEIs. To date, Flores has not filed his Assuming Office SEI  
10 or his Leaving Office SEI.

11 **CONCLUSION**

12 Probable cause exists to believe Flores violated the Act as detailed above. The Enforcement  
13 Division respectfully requests an order finding probable cause pursuant to Section 83115.5 and  
14 Regulation 18361.4.

15 Respectfully Submitted,

16 Dated: 03/02/2020

**FAIR POLITICAL PRACTICES COMMISSION**

Galena West  
Enforcement Chief

18 

19 \_\_\_\_\_  
20 By: Jenna C. Rinehart  
21 Commission Counsel  
22 Enforcement Division

**Exhibit A-2**

**PROOF OF SERVICE**

At the time of service, I was over 18 years of age and not a party to this action. My business address is: Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811. On March 2, 2020, I served the following document(s):

1. Letter dated March 2, 2020 from Jenna C. Rinehart;
2. FPPC Case No. 16/20070 Report in Support of a Finding of Probable Cause;
3. Probable Cause Fact Sheet;
4. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings

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

**By personal service.** At \_\_\_\_\_ 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.**

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

**Antonio Flores**  


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 2, 2020.

  
\_\_\_\_\_  
Dominika Wojenska

USPS TRACKING#



9590 9402 4740 8344 7637 25



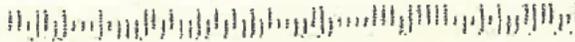
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

United States  
Postal Service

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

FPPC  
Attn: Jenna Rinehart  
1102 Q Street, Suite 3000  
Sacramento, CA 95811

MAR 9 PM 2:02  
POST OFFICE  
SACRAMENTO  
CALIFORNIA  
95811



SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Antonio Flores



9590 9402 4740 8344 7637 25

2. Article Number (Transfer from service label)

7018 2290 0001 9166 4879

COMPLETE THIS SECTION ON DELIVERY

A. Signature

*Antonio Flores*

- Agent
- Addressee

B. Received by (Printed Name)

Antonio Flores

C. Date of Delivery

3/5/20

D. Is delivery address different from item 1? If YES, enter delivery address below:

- Yes
- No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

# USPS Tracking®

[FAQs >](#)

**Track Another Package +**

**Tracking Number:** 70182290000191664879

[Remove X](#)

Your item was delivered to an individual at the address at 1:28 pm on March 5, 2020 in DUNSMUIR, CA 96025.

## **Delivered**

March 5, 2020 at 1:28 pm  
Delivered, Left with Individual  
DUNSMUIR, CA 96025

Feedback

**Get Updates** 

---

**Text & Email Updates**



---

**Tracking History**



---

**Product Information**



---

**See Less** 

## Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

**Exhibit A-3**



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

March 2, 2020

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

**Antonio Flores**  
[REDACTED]

**In the Matter of Antonio Flores; FPPC Case No. 16/20070**

Dear Mr. Antonio Flores:

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. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. ***If you are interested in reaching a settlement in this matter, please contact me at (916) 323-6302 or JRinehart@sppc.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,

*Jenna C. Rinehart*

Jenna C. Rinehart  
Commission Counsel  
Enforcement Division

*Enclosures: Report in Support of a Finding of Probable Cause; Probable Cause Proceedings fact sheet; Relevant Probable Cause statutes and regulations*

## PROBABLE CAUSE FACT SHEET

---

### INTRODUCTION

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

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

### THE LAW

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

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

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

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

### THE PROCEDURE

#### Probable Cause Report

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

## **Discovery**

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

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

## **Response to Probable Cause Report**

Within 21 calendar days following the service of the probable cause report (or, if you timely requested discovery, within 21 calendar days from the service of the evidence) you may submit a response to the Report. By regulation, the written response may contain, "... a summary of evidence, legal arguments, and any mitigating or exculpatory information."<sup>2</sup>

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 Political Reform Act was violated. Anyone who wishes to discuss settlement with the Enforcement

---

<sup>1</sup> But see 2 CCR § 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.).

<sup>2</sup> 2 CCR § 18361.4, subd. (c).

Division may do so before or after the probable cause conference but not during the conference.

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.”<sup>3</sup>

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.

### **Settlements**

Settlement discussions may take place at any time between a proposed respondent (or his or her counsel or representative) and the Enforcement Division except during the probable cause conference. The Hearing Officer will not participate in any settlement negotiations.

### **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.*

---

<sup>3</sup> 2 CCR §18361.4, subd. (e).

## 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 JENNA C. RINEHART  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street, Suite 3000  
4 Sacramento, CA 95811  
Telephone: (916) 323-6302  
5 Email: JRinehart@fppc.ca.gov

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

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9 STATE OF CALIFORNIA

10 In the Matter of ) FPPC No. 16/20070  
11 )  
12 ANTONIO FLORES, ) EX PARTE REQUEST FOR A FINDING OF  
13 ) PROBABLE CAUSE AND AN ORDER THAT  
14 Respondent. ) AN ACCUSATION BE PREPARED AND  
15 ) SERVED  
16 ) Gov. Code § 83115.5  
17 )

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

19 Pursuant to Section 83115.5 of the Political Reform Act (the “Act”)<sup>1</sup> and Regulation 18361.4,  
20 Respondent, Antonio Flores (“Flores”), was served with a copy of a Report in Support of a Finding of  
21 Probable Cause (“PC Report”) in the above-entitled matter.<sup>2</sup> The PC Report, attached as “Exhibit A,” was  
22 part of a packet of materials, including a cover letter and a memorandum describing probable cause  
23 proceedings, which was sent to Flores on March 2, 2020, by certified mail, with a return receipt requested.  
24 The USPS Tracking, attached as “Exhibit B”, confirms the PC Report was received by Flores on March  
25 5, 2020. A copy of the cover letter and memorandum describing probable cause proceedings is attached  
26 as “Exhibit C.” A copy of the return receipt is attached as “Exhibit D.”

26 <sup>1</sup> The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are  
27 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.

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

1 In the cover letter dated March 2, 2020, and the attached materials, Flores was advised he could  
2 respond in writing to the PC Report and orally present the case to the Hearing Officer at a probable cause  
3 conference to be held in Sacramento. Flores was further advised that in order to have a probable cause  
4 conference, he needed to make a written request for one on or before 21 days of the date he was served  
5 with the PC Report. Additionally, Flores was advised that if he did not request a probable cause  
6 conference, such a conference would not be held and probable cause would be determined based solely  
7 on the PC Report and any written response that he submitted within 21 days of the date he was served  
8 with the PC Report. To date, Flores has not submitted a written response or requested a probable cause  
9 conference.

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

13 Count 1: Flores failed to timely file his Assuming Office Statement of Economic Interests (“SEI”)  
14 by the April 14, 2016 due date, in violation of Government Code Section 87300.

15 Count 2: Flores failed to timely file his Leaving Office SEI by the January 2, 2017 due date, in  
16 violation of Government Code Section 87300.

17 Additionally, after finding probable cause exists, the Enforcement Division requests an order by  
18 the Hearing Officer that an accusation be prepared against Flores and served upon him.<sup>3</sup>  
19  
20  
21  
22  
23  
24

25 ///

---

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

1 A copy of this Request was mailed via U.S. Mail to Flores on  
2 April 21, 2020 at the last known address, as follows:

3 Antonio Flores  
4 [REDACTED]

5  
6 Dated: 04/17/2020

Respectfully Submitted,

7 **FAIR POLITICAL PRACTICES COMMISSION**  
8 Galena West  
9 Chief of Enforcement

10 *Jenna Rinehart*

11 \_\_\_\_\_  
12 By: Jenna C. Rinehart  
13 Commission Counsel  
14 Enforcement Division

# **EXHIBIT A**

1 GALENA WEST  
Chief of Enforcement  
2 JENNA C. RINEHART  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street, Suite 3000  
Sacramento, CA 95811  
4 Telephone: (916) 323-6302  
5 Email: JRinehart@fppc.ca.gov

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

8  
9 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

10 **STATE OF CALIFORNIA**

11 In the Matter of:

12 ANTONIO FLORES,

13 Respondent.

FPPC Case No. 16/20070

14 **REPORT IN SUPPORT OF A FINDING  
15 OF PROBABLE CAUSE**

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

17 **INTRODUCTION**

18 Respondent, Antonio Flores (“Flores”), was appointed to Governing Board Member for the  
19 Dunsmuir Elementary School District in the County of Siskiyou on March 15, 2016 and left office on  
20 December 2, 2016.

21 The Political Reform Act (the “Act”)<sup>1</sup> requires designated employees to disclose their reportable  
22 economic interests on a Statement of Economic Interests (“SEI”) at various times pursuant to their  
23 agency’s Conflict of Interest Code. Flores, a designated employee, violated the Act by failing to timely  
24 file an Assuming Office SEI by the April 14, 2016 due date and a Leaving Office SEI by the January 2,  
25 2017 due date for his position with the Dunsmuir Elementary School District.

26  
27 <sup>1</sup> The Political Reform Act – sometimes simply referred to as the Act – is contained in Government Code sections  
28 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 **SUMMARY OF THE LAW**

2 The Act and its regulations are amended from time to time. The discussion below regarding  
3 jurisdiction, the standard for finding probable cause, and the contents of the probable cause report  
4 includes references to current law. Unless otherwise noted, all other legal references and discussions of  
5 law pertain to the Act’s provisions as they existed at the time of the violations in this case.

6 **Jurisdiction**

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

9 **Probable Cause Proceedings**

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

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.<sup>6</sup>

19 **Contents of the Probable Cause Report**

20 The probable cause report is required to contain a summary of the law and evidence gathered in  
21 connection with the investigation, including any exculpatory and mitigating information of which the  
22 staff has knowledge and any other relevant material and arguments. The evidence recited in the probable  
23 cause report may include hearsay.<sup>7</sup>

24 ///

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

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

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

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

<sup>6</sup> Section 18361.4, subdivision (e).

<sup>7</sup> Regulation 18361.4, subdivision (a).

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

2 When enacting the Act, the people of California found and declared that previous laws regulating  
3 political practices suffered from inadequate enforcement by state and local authorities.<sup>8</sup> Thus, it was  
4 decreed the Act “should be liberally construed to accomplish its purposes.”<sup>9</sup>

5 One central purpose of the Act is to increase transparency and decrease conflicts of interest in the  
6 actions of public officials by requiring disclosure of their economic interests.<sup>10</sup> Another is to provide  
7 adequate enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>11</sup>

8 **Conflict of Interest Codes**

9 The Act requires every state and local agency to develop a Conflict of Interest Code.<sup>12</sup> These  
10 codes must designate those officials who participate in making decisions which may foreseeably have a  
11 material financial effect on any financial interest belonging to that official and require those designated  
12 officials to disclose all reportable interests on SEIs.<sup>13</sup> The requirements of an agency’s Conflict of  
13 Interest Code have the force of law, and any violation of those requirements is deemed a violation of the  
14 Act.<sup>14</sup>

15 **Conflict of Interest Code for Dunsmuir Elementary School District**

16 The Siskiyou County Conflict of Interest Code designated Governing Board Members with the  
17 Dunsmuir Elementary School District as a position required to provide full disclosure including all  
18 schedules, investments and business positions, interests in real property, and income.<sup>15</sup>

19 **Regulation 18730**

20 The County of Siskiyou incorporated by reference Regulation 18730 into its Conflict of Interest  
21 Code. Regulation 18730 outlines the timing for disclosing the designated employees’ economic interests  
22 as follows: all persons assuming designated positions shall file Assuming Office statements within 30  
23 days after assuming the designated position;<sup>16</sup> all designated employees shall annually file statements no

24  
25 <sup>8</sup> Section 81001, subdivision (h).  
<sup>9</sup> Section 81003.  
26 <sup>10</sup> Section 81002, subdivision (c).  
<sup>11</sup> Section 81002, subdivision (f).  
27 <sup>12</sup> Section 87300.  
<sup>13</sup> Section 87302, subdivision (a).  
28 <sup>14</sup> Section 87300.  
<sup>15</sup> Siskiyou County Conflict of Interest Code.  
<sup>16</sup> Regulation 18730, subdivision (b)(5)(B).

1 later than April 1;<sup>17</sup> and all persons who leave designated positions shall file Leaving Office statements  
2 within 30 days after leaving office.<sup>18</sup>

### 3 **Liability for Violations**

4 Any person who violates any provision of the Act, who purposely or negligently causes any  
5 other person to violate any provision of the Act, or who aids and abets any other person in the violation  
6 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>19</sup>

### 7 **SUMMARY OF THE EVIDENCE**

8 Flores served as a Board Member for the Dunsmuir Elementary School District from March 15,  
9 2016 to December 2, 2016. For his position as a Board Member, Flores did not file any SEIs. Flores  
10 failed to timely file his Assuming Office SEI by the April 14, 2016 due date and his Leaving Office SEI  
11 by the January 2, 2017 due date.

12 The County Clerk for the County of Siskiyou contacted Flores at least three times in writing  
13 between April 25, 2016 and July 21, 2016 to remind him of his Assuming Office SEI filing obligations.  
14 After not receiving compliance from Flores regarding his outstanding Assuming Office SEI, the County  
15 of Siskiyou referred the matter to the Enforcement Division. The County Clerk for the County of  
16 Siskiyou contacted Flores at least two times in writing between August 2, 2019 and November 4, 2019  
17 to remind him of his Leaving Office SEI filing obligations.

18 The Enforcement Division contacted Flores at least nine times in writing and seven times via  
19 telephone between November 1, 2019 and December 20, 2019 regarding his filing obligations. As of the  
20 date of this Report, Flores has not filed his Assuming Office SEI or his Leaving Office SEI.

### 21 **VIOLATIONS**

#### 22 Count 1: Failure to Timely File Assuming Office SEI

23 Flores failed to timely file his Assuming Office SEI by the April 14, 2016 due date, in violation  
24 of Government Code Section 87300.

25  
26 ///

27  
28 <sup>17</sup> Regulation 18730, subdivision (b)(5)(C).

<sup>18</sup> Regulation 18730, subdivision (b)(5)(D).

<sup>19</sup> Sections 83116 and 83116.5.

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

2 Flores failed to timely file his Leaving Office SEI by the January 2, 2017 due date, in violation  
3 of Government Code Section 87300.

4 **EXCULPATORY AND MITIGATING INFORMATION**

5 As of December 2, 2016, Flores is no longer in office. Also, Flores has no prior enforcement  
6 history.

7 **OTHER RELEVANT MATERIAL AND ARGUMENTS**

8 Flores was notified of his filing obligations on at least 21 different communications. While in  
9 office, Flores did not file any of the required SEIs. To date, Flores has not filed his Assuming Office SEI  
10 or his Leaving Office SEI.

11 **CONCLUSION**

12 Probable cause exists to believe Flores violated the Act as detailed above. The Enforcement  
13 Division respectfully requests an order finding probable cause pursuant to Section 83115.5 and  
14 Regulation 18361.4.

15 Respectfully Submitted,

16 Dated: 03/02/2020

**FAIR POLITICAL PRACTICES COMMISSION**

Galena West  
Enforcement Chief

18 

19 \_\_\_\_\_  
20 By: Jenna C. Rinehart  
21 Commission Counsel  
22 Enforcement Division

# **EXHIBIT B**

# USPS Tracking®

[FAQs >](#)

**Track Another Package +**

**Tracking Number:** 70182290000191664879

[Remove X](#)

Your item was delivered to an individual at the address at 1:28 pm on March 5, 2020 in DUNSMUIR, CA 96025.

## **Delivered**

March 5, 2020 at 1:28 pm  
Delivered, Left with Individual  
DUNSMUIR, CA 96025

Feedback

**Get Updates** 

---

**Text & Email Updates**



---

**Tracking History**



---

**Product Information**



---

**See Less** 

## Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

# **EXHIBIT C**



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

March 2, 2020

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Antonio Flores  
[REDACTED]

**In the Matter of Antonio Flores; FPPC Case No. 16/20070**

Dear Mr. Antonio Flores:

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. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. ***If you are interested in reaching a settlement in this matter, please contact me at (916) 323-6302 or JRinehart@sppc.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,

*Jenna C. Rinehart*

Jenna C. Rinehart  
Commission Counsel  
Enforcement Division

*Enclosures: Report in Support of a Finding of Probable Cause; Probable Cause Proceedings fact sheet; Relevant Probable Cause statutes and regulations*

## PROBABLE CAUSE FACT SHEET

---

### INTRODUCTION

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

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

### THE LAW

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

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

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

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

### THE PROCEDURE

#### Probable Cause Report

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

## **Discovery**

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

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

## **Response to Probable Cause Report**

Within 21 calendar days following the service of the probable cause report (or, if you timely requested discovery, within 21 calendar days from the service of the evidence) you may submit a response to the Report. By regulation, the written response may contain, "... a summary of evidence, legal arguments, and any mitigating or exculpatory information."<sup>2</sup>

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 Political Reform Act was violated. Anyone who wishes to discuss settlement with the Enforcement

---

<sup>1</sup> But see 2 CCR § 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.).

<sup>2</sup> 2 CCR § 18361.4, subd. (c).

Division may do so before or after the probable cause conference but not during the conference.

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.”<sup>3</sup>

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.

### **Settlements**

Settlement discussions may take place at any time between a proposed respondent (or his or her counsel or representative) and the Enforcement Division except during the probable cause conference. The Hearing Officer will not participate in any settlement negotiations.

### **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.*

---

<sup>3</sup> 2 CCR §18361.4, subd. (e).

## 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 D**

USPS TRACKING#



9590 9402 4740 8344 7637 25



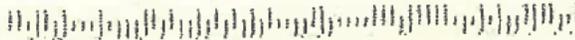
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

United States  
Postal Service

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

FPPC  
Attn: Jenna Rinehart  
1102 Q Street, Suite 3000  
Sacramento, CA 95811

MAR 9 PM 2:02  
POST OFFICE  
SACRAMENTO  
CALIFORNIA  
95811

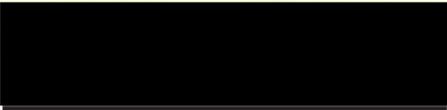


SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Antonio Flores



9590 9402 4740 8344 7637 25

2. Article Number (Transfer from service label)

7018 2290 0001 9166 4879

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
*Antonio Flores*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
Antonio Flores 3/5/20

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

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery
  - Priority Mail Express®
  - Restricted Mail™
  - Restricted Mail Restricted Delivery
  - Signature Confirmation Restricted Delivery

Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

**Exhibit A-5**

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3  
4 In the Matter of ) FPPC No. 16/20070  
5 ANTONIO FLORES, )  
6 Respondent. ) FINDING OF PROBABLE CAUSE AND  
7 ) ORDER TO PREPARE AND SERVE AN  
8 ) ACCUSATION  
9 ) Gov. Code § 83115.5  
10 )  
11 )

12 By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation  
13 be Prepared and Served (“Ex Parte Request”), the Enforcement Division submitted the above-entitled  
14 matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request,  
15 the Enforcement Division served a Report in Support of a Finding of Probable Cause (“PC Report”) on  
16 Respondent, Antonio Flores (“Flores”), concerning this matter on March 2, 2020, by certified mail, return  
17 receipt requested. Accompanying the PC Report was a packet of materials that informed Flores of his right  
18 to file a written response to the PC Report and to request a probable cause conference within 21 days  
19 following service of the PC Report. During the 21 days that followed service of the PC Report, Flores did  
20 not file a response to the PC Report or request a probable cause conference. Pursuant to California Code  
21 of Regulations Title 2, Section 18361.4, determination of probable cause may be made solely on papers  
22 submitted when the respondent does not request a probable cause conference.<sup>1</sup>

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 the Political Reform Act as alleged by the Enforcement Division in the PC Report served on the  
26 Respondent.

27 ///

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

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

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

6 Count 1: Flores failed to timely file his Assuming Office Statement of Economic Interests (“SEI”)  
7 by the April 14, 2016 due date, in violation of Government Code Section 87300.

8 Count 2: Flores failed to timely file his Leaving Office SEI by the January 2, 2017 due date, in  
9 violation of Government Code Section 87300.

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

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

15 IT IS SO ORDERED.

16  
17 **John M. Feser Jr.**

18 Dated: April 21, 2020

19 \_\_\_\_\_  
20 Hearing Officer  
21 Fair Political Practices Commission

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

28 <sup>3</sup> Government Code Section 83115.5; Cal. Code Reg., Tit. 2, Section 18361.4, subd. (b).

**FPPC No. 16/20070, In the matter of Antonio Flores**

**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**

Antonio Flores  


**(By Personal Service) On Tuesday, April 21, 2020, at approximately 2:00 p.m., I personally served:**

Jenna Rinehart, 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 April 21, 2020.

  
\_\_\_\_\_  
Sasha Linker

**Exhibit A-6**

1 GALENA WEST  
Chief of Enforcement  
2 JENNA C. RINEHART  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street, Suite 3000  
4 Sacramento, CA 95811  
Telephone: (916) 323-6302  
5 Email: JRinehart@fppc.ca.gov

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

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

10  
11 In the Matter of ) FPPC No. 16/20070  
12 )  
13 ANTONIO FLORES, ) **ACCUSATION**  
14 )  
15 Respondent. )  
16 ) (Gov. Code § 11503)  
17 )

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

20 **JURISDICTION**

21 1. Complainant is the Enforcement Division of the Fair Political Practices Commission  
22 (“Commission”) and makes this Accusation in its official capacity and in the public interest.

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



1           9.       The requirements of an agency’s Conflict of Interest Code have the force of law, and any  
2 violation of those requirements is deemed a violation of the Act.<sup>6</sup>

3           **B.       Siskiyou County Conflict of Interest Code**

4           10.       The Siskiyou County Conflict of Interest Code designated Governing Board Members  
5 with the Dunsmuir Elementary School District as a position required to provide full disclosure including  
6 all schedules, investments and business positions, interests in real property, and income.<sup>7</sup>

7           11.       Siskiyou County incorporated by reference Regulation 18730 into its Conflict of Interest  
8 Code.<sup>8</sup>

9           12.       Regulation 18730 outlines the timing for disclosing the designated employees’ economic  
10 interests as follows: all persons assuming designated positions shall file Assuming Office statements  
11 within 30 days after assuming the designated position;<sup>9</sup> all designated employees shall annually file  
12 statements no later than April 1;<sup>10</sup> and all persons who leave designated positions shall file Leaving Office  
13 statements within 30 days after leaving office.<sup>11</sup>

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

15           13.       In framing a proposed order following a finding of a violation pursuant to Section 83116,  
16 the Commission and the administrative law judge shall consider all the surrounding circumstances  
17 including but not limited to: (1) The seriousness of the violation; (2) The presence or absence of any  
18 intention to conceal, deceive or mislead; (3) Whether the violation was deliberate, negligent or  
19 inadvertent; (4) Whether the violator demonstrated good faith by consulting the Commission staff or any  
20 other government agency in a manner not constituting a complete defense under Section 83114(b); (5)  
21 Whether the violation was isolated or part of a pattern and whether the violator has a prior record of

22  
23 ///

---

24           <sup>6</sup> Section 87300.

25           <sup>7</sup> Siskiyou County Conflict of Interest Code.

26           <sup>8</sup> *Id.*

27           <sup>9</sup> Regulation 18730, subd. (b)(5)(B).

28           <sup>10</sup> Regulation 18730, subd. (b)(5)(C).

<sup>11</sup> Regulation 18730, subd. (b)(5)(D).

1 violations of the Act or similar laws; and (6) Whether the violator, upon learning of a reporting violation,  
2 voluntarily filed amendments to provide full disclosure.<sup>12</sup>

3 **GENERAL FACTS**

4 14. According to the Siskiyou County Clerk’s Office, Flores assumed office as a Board  
5 Member with the Siskiyou County Dunsmuir Elementary School District on March 15, 2016.

6 15. The Siskiyou County Conflict of Interest Code designated Governing Board Members  
7 with the Dunsmuir Elementary School District as a position required to file SEIs.

8 16. As a designated official with the Siskiyou County Dunsmuir Elementary School District,  
9 Flores was required to file an Assuming Office SEI by the April 14, 2016 due date. According to the  
10 Siskiyou County Clerk’s Office, Flores did not timely file an Assuming Office SEI.

11 17. As a designated official with the Siskiyou County Dunsmuir Elementary School District,  
12 Flores was required to file a Leaving Office SEI by the January 2, 2017 due date. According to the  
13 Siskiyou County Clerk’s Office, Flores did not timely file a Leaving Office SEI.

14 18. According to the Siskiyou County Clerk’s Office, Flores has failed to file his Assuming  
15 Office and Leaving Office SEIs.

16 **PROCEDURAL HISTORY**

17 19. Before referring the case to the Enforcement Division, the Siskiyou County Clerk’s Office  
18 contacted Flores at least three times in writing between April 25, 2016 and July 21, 2016 to remind him  
19 of his Assuming Office SEI filing obligation due April 14, 2016.

20 20. On September 19, 2016, after not receiving compliance from Flores regarding his  
21 outstanding Assuming Office SEI, the Siskiyou County Clerk’s Office referred the matter to the  
22 Enforcement Division.

23 21. The Siskiyou County Clerk’s Office contacted Flores twice in writing on August 2, 2019  
24 and November 4, 2019 to remind him of his Leaving Office SEI filing obligation due January 2, 2017.

25 22. The Enforcement Division contacted Flores at least nine times in writing and seven times  
26 via telephone between November 1, 2019 and December 20, 2019 regarding his outstanding SEIs.

27 \_\_\_\_\_  
<sup>12</sup> Regulation 18361.5, subd. (d).



1 33. By failing to timely file an Assuming Office SEI, Flores violated Section 87300 of the  
2 Act.

3 **Count 2**

4 **Failure to Timely File Leaving Office SEI**

5 34. Complainant incorporates paragraphs 1-33 of this Accusation, as though completely set  
6 forth here.

7 35. As a Board Member with the with the Siskiyou County Dunsmuir Elementary School  
8 District, Flores had a duty under the Act to file a Leaving Office SEI by the January 2, 2017 due date.

9 36. According to the Siskiyou County Clerk's Office, Flores failed to timely file his Leaving  
10 Office SEI.

11 37. By failing to timely file a Leaving Office SEI, Flores violated Section 87300 of the Act.

12 **EXCULPATORY OR MITIGATING FACTORS**

13 38. According to the Siskiyou County Clerk's Office, as of December 2, 2016, Flores is no  
14 longer in office as a Board Member with the with the Siskiyou County Dunsmuir Elementary School  
15 District.

16 39. Flores has no prior enforcement history.

17 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

18 40. Flores was notified of his SEI filing obligations on at least 21 different communications.

19 41. While in office, Flores did not file any of the required SEIs.

20 42. To date, Flores has not filed his Assuming Office or Leaving Office SEIs, so the public  
21 has been denied information regarding economic interests Flores had between March 15, 2015 and  
22 December 2, 2016.

23  
24  
25  
26  
27 ///

**PRAYER**

WHEREFORE, Complainant prays as follows:

1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and Regulation 18361.5, and at such hearing find that Flores violated the Act as alleged herein;
2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order Flores to pay a monetary penalty of up to Five Thousand Dollars (\$5,000) for the violation of the Political Reform Act alleged in **Count 1**;
3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order Flores to pay a monetary penalty of up to Five Thousand Dollars (\$5,000) for the violation of the Political Reform Act alleged in **Count 2**;
4. 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.
5. That the Fair Political Practices Commission grant such other and further relief as it deems just and proper.

Dated: 8June2020



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

**Exhibit A-7**

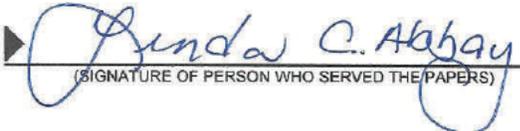
<b>ATTORNEY OR PARTY WITHOUT ATTORNEY:</b> Galena West FAIR POLITICAL PRACTICES COMMISSION 1102 Q Street, Suite 3000 Sacramento, CA 95811  TELEPHONE NO.: (916) 323-6302 ATTORNEY FOR:	<b>FOR COURT USE ONLY</b>
<b>BEFORE THE FAIR POLITICAL PRACTICES COMMISSION</b> STREET ADDRESS: 1102 Q Stree, Suite 3000 MAILING ADDRESS: 1102 Q Stree, Suite 3000 CITY AND ZIP CODE: Sacramento, 95811 BRANCH NAME: THE FAIR POLITICAL PRACTICES COMMISSION	
<b>IN THE MATTER OF:</b> ANTONIO FLORES :	<b>CASE NUMBER:</b> FPPC NO. 16/20070
<b>PROOF OF SERVICE</b>	Ref. No. or File No.:

1. I am over 18 years of age and not a party to this action.
2. Received by ProLegal Litigation Support Services, Inc. on 6/8/2020 at 2:18 pm to be served on Antonio Flores, [REDACTED]
3. **INDIVIDUALLY/PERSONALLY** served by delivering a true copy of the **ACCUSATION; NOTICE OF DEFENSE (2)** (Pursuant to Gov. Code Section 11506); **GROUND FOR NOTICE OF DEFENSE (2); California Government Code sections 11506 through 11508** handout with the date and hour of service endorsed thereon by me, to: Antonio Flores at the address of: [REDACTED] and informed said person of the contents therein, in compliance with state statutes.
4. Date and Time of service: 6/13/2020 at 10:09 pm
5. I am a registered California process server.
6. My name, address, telephone number, and, if applicable, county of registration and number are:  
 Name: Linda C. Abbay  
 Firm: ProLegal Litigation Support Services, Inc.  
 Address: 313 Middle Street, Yreka, CA 96097  
 Telephone number: (530) 842-0800  
 Registration Number: Process Server #44  
 County: Siskiyou County, CA  
 The fee for the service was: \$75.00
7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 6/17/2020

Linda C. Abbay

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

  
 (SIGNATURE OF PERSON WHO SERVED THE PAPERS)

**Exhibit A-8**



## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

### STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

*Antonio Flores*

*FPPC Case No. 16/20070*

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 Jenna C. Rinehart, Commission Counsel, Enforcement Division, at (916) 323-6302 or at [jrinehart@fppc.ca.gov](mailto:jrinehart@fppc.ca.gov).

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

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

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



**GROUND FOR NOTICE OF DEFENSE**

- 1) I request a hearing;
- 2) I object to the Accusation upon the ground that it does not state acts or omissions upon which the agency may proceed;
- 3) I object to the form of the Accusation on the ground that it is so indefinite or uncertain that I cannot identify the transaction that is the subject of the Accusation or prepare my defense;
- 4) I admit the Accusation in whole or in part (check box "a" or "b");
  - a) I admit the Accusation in whole.
  - b) I admit the Accusation in part as indicated below:  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 5) I wish to present new matter by way of defense;
- 6) I object to the accusation upon the ground that, under the circumstances, compliance with the requirements of a regulation of the Fair Political Practices Commission would result in a material violation of another regulation enacted by another department affecting substantive rights.

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

\_\_\_\_\_  
Respondent

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

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

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



**GROUND FOR NOTICE OF DEFENSE**

- 1) I request a hearing;
- 2) I object to the Accusation upon the ground that it does not state acts or omissions upon which the agency may proceed;
- 3) I object to the form of the Accusation on the ground that it is so indefinite or uncertain that I cannot identify the transaction that is the subject of the Accusation or prepare my defense;
- 4) I admit the Accusation in whole or in part (check box "a" or "b");
  - a) I admit the Accusation in whole.
  - b) I admit the Accusation in part as indicated below:  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 5) I wish to present new matter by way of defense;
- 6) I object to the accusation upon the ground that, under the circumstances, compliance with the requirements of a regulation of the Fair Political Practices Commission would result in a material violation of another regulation enacted by another department affecting substantive rights.

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

\_\_\_\_\_  
Respondent

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

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

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

## **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 6/8/2020, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 16/20070: 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 2:08 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.

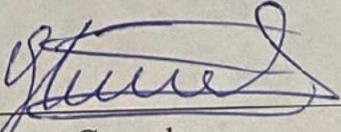
By providing the document(s) listed above with instructions for registered process server to personally deliver the envelope(s) to the person(s) at the address(es) set forth on the service list below. **The signed proof of service by the registered process server will be attached as soon as it is available.**

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**

Antonio Flores  


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 6/8/2020.

  
\_\_\_\_\_  
Suzanna Gevorkyan

**Exhibit A-9**

---

**STATE OF CALIFORNIA, COUNTY OF SISKIYOU**  
**BOARD OF SUPERVISORS**  
**MINUTE ORDER, SEPTEMBER 30, 2014**

COUNTY CLERK - Discussion, direction and possible action re Resolution updating the Siskiyou County Conflict of Interest Code and designating employees in all county departments, special districts and school districts. Resolution 14-157 adopted.

County Clerk Colleen Setzer provided an overview of the request, advising of the process utilized to survey various County departments, local agencies, school and special districts for potential revisions to the Conflict of Interest Code. Ms. Setzer additionally advised that the Clerk's Office received information from the Klamath River Union Elementary School District that the District did not request any changes to its filing disclosure.

It was moved by Supervisor Bennett, seconded by Supervisor Armstrong and unanimously carried to adopt Resolution 14-157 updating the 2014 Siskiyou County Conflict of Interest Code and designating employees in all county departments, special districts and school districts.

I certify that the foregoing is a full, true and correct copy of a Minute Order adopted by the Board of Supervisors, Siskiyou County, State of California.

ATTEST: COLLEEN SETZER, County Clerk and ex-Officio Clerk of the  
Siskiyou County Board of Supervisors.

By: \_\_\_\_\_  
Deputy



**RESOLUTION OF THE SISKIYOU COUNTY BOARD OF SUPERVISORS  
UPDATING THE CONFLICT OF INTEREST CODE AND DESIGNATING  
EMPLOYEES IN ALL COUNTY DEPARTMENTS, SPECIAL DISTRICTS AND  
SCHOOL DISTRICTS**

*WHEREAS, the Political Reform Act, Government code Section 81000. et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730 which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Exhibit A and Exhibit B in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the County of Siskiyou, and;*

*WHEREAS, designate employees shall file their statements with the Siskiyou County Clerk, 510 North Main Street, Yreka CA 96097 who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). Statements for all designated employees will be retained by the Siskiyou County Clerk, and;*

*WHEREAS, all annual Conflict of Interest forms shall be filed by April 1 of each year, and;*

*WHEREAS, the County of Siskiyou departments, special districts, and school districts, have adopted Conflict of Interest Codes for all designated employees, officers and boards in the county, and;*

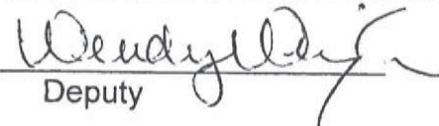
*WHEREAS, the County Clerk, as Filing Officer, is required by Government Code Section 87306.5 to update these codes.*

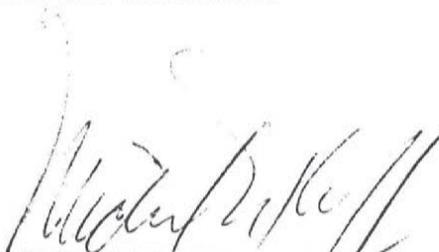
*NOW, THEREFORE, BE IT RESOLVED by the Siskiyou County Board of Supervisors that the Conflict of Interest Codes, the positions designated and required to be filed (Exhibit A), and the disclosure required for these Positions (Exhibit B), for all county departments, special districts, and school districts, is updated and attached hereto and made a part of this resolution.*

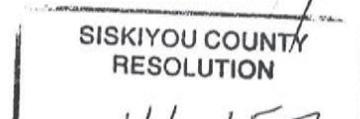
The foregoing resolution was adopted at a regular meeting of the Board of Supervisors of the County of Siskiyou, State of California, held on the 30th day of September 2014, by the following vote:

AYES: Supervisors Kobseff, Armstrong, Bennett, Criss and Valenzuela  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

ATTEST:  
COLLEEN SETZER, COUNTY CLERK

BY:   
Deputy

  
Michael N. Kobseff, Chair



## SISKIYOU COUNTY CONFLICT OF INTERESTS CODE

Whereas, the Political Reform Act, *Government Code Section 81000, et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, *2 Cal. Code of Regs. Section 18730*, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of *2 Cal. Code of Regs. Section 18730* and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Exhibit A and Exhibit B in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the County of Siskiyou.

Designated employees shall file their statements with the Siskiyou County Clerk, 510 North Main Street, Yreka CA 96097, who will make the statements available for public inspection and reproduction. (*Gov. Code Section 81008*). Statements for all designated employees will be retained by the Siskiyou County Clerk.

All annual Conflict of Interest forms shall be filed by April 1 of each year.

The following positions are designated to file a Conflict of Interest Statement; any consultant as defined by *2 California Code of Regulations 18700(b)(2)*, OR, any consultant who serves in a staff capacity and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code. Unless specified below a consultant is required to file a full disclosure.

### EXHIBIT A

<u>COUNTY DEPARTMENT/COMMISSIONS</u>	<u>REQUIRED FILING DISCLOSURE</u>
Assistant County Administrator	1
Personnel Manager	1
Consultants	1
Agricultural Commissioner	1
Assessor-Recorder	1
Assistant Assessor-Recorder	1
Senior Specialist Appraiser	1
Senior Appraiser	1
Appraiser	1
Recording Supervisor	1
Deputy Assessor-Recorder	3
Auditor-Controller	1
Assistant Auditor-Controller	1

**SISKIYOU COUNTY CONFLICT OF INTERESTS CODE  
EXHIBIT A**

<u>COUNTY DEPARTMENT/COMMISSIONS</u>	<u>REQUIRED FILING DISCLOSURE</u>
County Clerk	1
Assistant County Clerk	2
Deputy County Counsel	1
Assistant District Attorney	2
District Attorney Chief Investigator	2
Deputy District Attorney	2
Extra Help Attorney	2
Supervising District Attorney Investigator	2
District Attorney Investigator	2
Department Fiscal Officer	2
Director of General Services	1
Transportation Services Manager	1
Communications Officer	2
Building Maintenance Manager	2
Recycling/Grant Coordinator	2
Solid Waste & Flood Control Supervisor	1
Director of Health and Human Services Agency	2
Director of Public Health Division	2
Director of Social Services Division	2
Deputy Director of Behavioral Health Division	2
Deputy Director of Administrative Services Division	2
Deputy Director of Social Services Division	2
Health Officer	1
Office of Emergency Services, Deputy Director	1
County Librarian	2
Chief Probation Officer	2
Deputy Chief Probation Officer	2
Superintendent	2
Department Fiscal Officer	2
Public Defender	2
Assistant Public Defender	2
Deputy Public Defender	2

**SISKIYOU COUNTY CONFLICT OF INTERESTS CODE  
EXHIBIT A**

<u>COUNTY DEPARTMENT/COMMISSIONS</u>	<u>REQUIRED FILING DISCLOSURE</u>
Deputy Director of Environmental Health	1
Deputy Director of Planning	1
Senior Planner	1
Associate Planner	1
Administrative Services Manager	1
Deputy Director of Building	2
Director of Public Works	1
Right of Way/Deputy County Surveyor	1
Administrative Services Manager	1
Road Superintendent	1
Engineering and Land Development Manager	1
Road Maintenance Supervisor	2
Bridge Maintenance Supervisor	2
Equipment Maintenance Supervisor	2
Automotive Services Manager	2
Stores Manager	2
Department Fiscal Officer	2
Associate Civil Engineer	3
Junior Civil Engineer	3
Civil Engineer Assistant	3
Environmental Compliance Specialist	3
Sheriff-Coroner	1
Lieutenant/Sheriff's Div.	2
Lieutenant/Jail Div.	2
Captain/Jail Div.	2
Captain/Administration	2
Department Fiscal Officer	2
Siskiyou Modoc Regional Dept. of Child Support Services Director	2
Assistant Director/Chief Attorney	2
Child Support Attorney	2
Assistant Treasurer-Tax Collector	3
Air Pollution Control Hearing Board Members	3
Airport Advisory Committee Delegates/Alternates	3
Assessment Appeals Board Members/Alternates	3

**SISKIYOU COUNTY CONFLICT OF INTERESTS CODE  
EXHIBIT A**

<u>COUNTY DEPARTMENT/COMMISSIONS</u>	<u>REQUIRED FILING DISCLOSURE</u>
Grand Jury Members	3
Local Agency Formation Commission Members	3
Siskiyou County Children & Families First Commission Members Executive Director	1
Collier Interpretative and Information Center, Joint Powers Authority Board of Directors President Vice-President	1
Siskiyou County Regional Solid Waste Agency Joint Powers Authority Members Alternate Members Supervisor Alternate Supervisor	1
<u>COUNTY SPECIAL DISTRICT GOVERNING BOARDS</u>	<u>REQUIRED FILING DISCLOSURE</u>
Etna Cemetery District Governing Board Members	3
Fort Jones Cemetery District Governing Board Members	3
Happy Camp Cemetery District Governing Board Members	3
Henley-Hornbrook Cemetery District Governing Board Members	3
Lakeview Cemetery District Governing Board Members	3
Picard Cemetery District Governing Board Members	3
Shasta Valley Cemetery District Governing Board Members	3

**SISKIYOU COUNTY CONFLICT OF INTERESTS CODE  
EXHIBIT A**

<u>COUNTY SPECIAL DISTRICT GOVERNING BOARDS</u>	<u>REQUIRED FILING DISCLOSURE</u>
Happy Camp Community Services District Directors	3
Hornbrook Community Services District General Manager Directors	3
Lake Shastina Community Services District Governing Board Members General Manager Attorney Police Chief Fire Chief Public Works Supervisor	3
McCloud Community Services District Governing Board Members General Manager Finance Officer/Treasurer District Legal Counsel	3
Tennant Community Services District Governing Board Members	3
Butte Valley Fire Protection District Governing Board Members	3
Copco Lake Fire Protection District Governing Board Members	3
Dunsmuir Fire Protection District Chairman, Co-Chairman, Commissioner	3
Gazelle Fire Protection District Governing Board Members	3
Grenada Fire Protection District Governing Board Members	3
Happy Camp Fire Protection District Governing Board Members	3

**SISKIYOU COUNTY CONFLICT OF INTERESTS CODE  
EXHIBIT A**

<u>COUNTY SPECIAL DISTRICTS GOVERNING BOARD</u>	<u>REQUIRED FILING DISCLOSURE</u>
Hornbrook Fire Protection District Directors	3
Mayten Fire Protection District Governing Board Members Fire Chief	3
Montague Fire Protection District Governing Board Members	3
Mt Shasta Fire Protection District Governing Board Members Fire Chief	3
Scott Valley Fire Protection District Governing Board Members	3
South Yreka Fire Protection District Governing Board Members Department Chief	3
Big Springs Irrigation District Governing Board Members Treasurer, Collector, Assessor, Ditchtender	3
Butte Valley Irrigation District Governing Board Members	3
Grenada Irrigation District Governing Board Members	3
Scott Valley Irrigation District Governing Board Members	3
Dunsmuir Recreation & Park District Governing Board Members District Administrator	3
Mt Shasta Recreation & Parks District Governing Board Members District Administrator Administrative Assistant	3

**SISKIYOU COUNTY CONFLICT OF INTERESTS CODE  
EXHIBIT A**

<u>COUNTY SPECIAL DISTRICTS GOVERNING BOARD</u>	<u>REQUIRED FILING DISCLOSURE</u>
Weed Recreation & Park District District Administrator Governing Board Members	3
Shasta Valley Resource Conservation District Governing Board Members	3
Siskiyou Resource Conservation District Governing Board Members	3
Grenada Sanitary District Governing Board Members	3
Happy Camp Sanitary District Directors	3
Callahan Water District Governing Board Members	3
Montague Water Conservation District Governing Board Members Manager Administrative Clerk	3
Sawyers Bar County Water District Governing Board Members	3
Scott Valley/Shasta Valley Watermaster District Governing Board Members Consultants	3
<u>COUNTY SCHOOL DISTRICTS GOVERNING BOARD</u>	<u>REQUIRED FILING DISCLOSURE</u>
Siskiyou County Board of Education Members	3
Siskiyou County Superintendent of Schools	1
Big Springs Elementary School District Governing Board Members District Superintendent	3 3
Bogus Elementary School District Governing Board Members	3

**SISKIYOU COUNTY CONFLICT OF INTERESTS CODE  
EXHIBIT A**

<u>COUNTY SCHOOL DISTRICTS GOVERNING BOARD</u>	<u>REQUIRED FILING DISCLOSURE</u>
Butteville Elementary School District	
Governing Board Members	3
Superintendent/Principal	3
Delphic Elementary School District	
Governing Board Members	3
Superintendent	3
Dunsmuir Elementary School District	
Governing Board Members	3
Superintendent	3
Forks of Salmon Elementary School District	
Governing Board Members	3
Gazelle Elementary School District	
Governing Board Members	3
Superintendent	3
Grenada Elementary School District	
Governing Board Members	3
Superintendent/Principal	3
Business Manager	3
Happy Camp Union Elementary School District	
Governing Board Members	3
Superintendent/Principal	3
Administrative Assistant	3
Hornbrook Elementary School District	
Governing Board Members	3
Superintendent	3
Junction Elementary School District	
Governing Board Members	3
Klamath River Union Elementary School District	
Governing Board Members	3
Little Shasta Elementary School District	
Governing Board Members	3

**SISKIYOU COUNTY CONFLICT OF INTERESTS CODE  
EXHIBIT A**

<u>COUNTY SCHOOL DISTRICTS GOVERNING BOARD</u>	<u>REQUIRED FILING DISCLOSURE</u>
Montague Elementary School District	
Governing Board Members	3
District Superintendent	3
Mt Shasta Union Elementary School District	
Governing Board Members	3
District Superintendent	3
McCloud Union Elementary School District	
Governing Board Members	3
District Superintendent	
Seiad Elementary School District	
Governing Board Members	3
Administrator/Superintendent/Principal	3
Weed Union Elementary School District	
Governing Board Members	3
District Superintendent	3
Willow Creek Elementary School District	
Governing Board Members	3
Yreka Union Elementary School District	
Governing Board Members	3
Superintendent/Principal	3
Butte Valley Unified School District	
Superintendent/Principal	3
Governing Board Members	3
Scott Valley Unified School District	
Governing Board Members	3
Superintendent	3
Siskiyou Union High School District	
Governing Board Members	3
District Superintendent	3
Yreka Union High School District	
Governing Board Members	3
Superintendent	3

---

## SISKIYOU COUNTY CONFLICT OF INTEREST CODE EXHIBIT B

The following is a description of the required filing disclosures:

### **Category 1**

Full Disclosure - Complete all schedules, investments and business positions, interests in real property, and income.

### **Category 2**

The employee/official designated in Exhibit A herein shall disclose investments and business positions in, and income from any source which, within the last two (2) years, has contracted with the designated employee/official department to provide services, supplies, materials, machinery or equipment, or is the beneficiary of services of the department, or is subject to the regulatory permits or licensing authority of the department.

### **Category 3**

Each employee/official designated in Exhibit A, shall disclose interest in real property located within the jurisdiction of this district. Personal residence is exempt from disclosure.

Each employee/official designated in Exhibit A above shall disclose investments and business positions in and income from any source which, within the last two (2) years, has contracted with the district to provide services, supplies, materials, machinery or equipment.

---

## 2014 Biennial Update Summary of Changes

County Administrator	Add-Personnel Manager
Agriculture	Delete-Assistant Agricultural Commissioner
Assessor-Recorder	Delete-Principal Appraiser
County Counsel	Delete-Assistant County Counsel
District Attorney	Add-Department Fiscal Officer
Health and Human Services	Delete-Deputy Director of Policy and Compliance Development Delete – Administrative Services Manager III Delete-Program Manager Delete-Department Fiscal Officer for Behavioral Health Services Delete-Department Fiscal Officer for Social Services Delete-Welfare Investigator II Add-Health Officer Add-Office of Emergency Services, Deputy Director
Probation	Add-Department Fiscal Officer
Public Health & Community Development	Delete-Director of Public Health and Community Development Delete-Deputy Director of Personal Health Delete-Health Officer Delete-Office of Emergency Services, Deputy Director
Scott Valley/Shasta Valley Watermaster District	Add-Consultants
Delphic Elementary School	Add-Superintendent
Happy Camp Elementary School	Add-Administrative Assistant

**STATE OF CALIFORNIA, COUNTY OF SISKIYOU**  
**BOARD OF SUPERVISORS**  
**MINUTE ORDER, SEPTEMBER 20, 2016**

COUNTY CLERK - Discussion, direction and possible action re Resolution updating the Conflict of Interest Code, designating members and employees in all county departments, Special Districts and School Districts, Resolution 16-223 adopted.

County Clerk Colleen Setzer and Assistant County Clerk Laura Bynum provided an overview of the request, advising of the efforts made to work with County departments and various special and school districts to update the Conflict of Interest Code biennially. Ms. Setzer further advised that County Counsel's Office had also reviewed the Conflict of Interest Code and recommended changes.

Deputy County Counsel Dana Barton summarized the Code review process, including conducting a review of various Government and California Codes, discussions with various County departments, special and school districts and a survey of neighboring counties.

In response to Supervisor Bennett, Ms. Setzer advised that, in most cases the changes to the Code related to modifying positions with Disclosure Categories 2 and 3 to Category 1.

Following discussion between members of the Board, Ms. Barton and Ms. Setzer regarding the inclusion of County Service Area 6 (CSA6) in the list of 87200 filers rather than CSA5 and the number of non-responses to the Clerk's request for Code updates from various jurisdictions, it was moved by Supervisor Bennett, seconded by Supervisor Kobseff and unanimously carried to adopt Resolution 16-223 updating the Conflict of Interest Code, designating members and employees in all County departments, Special Districts and School Districts, including correction to the list of 87200 filers, changing CSA6 to CSA5 in Exhibit A – Designated Positions.

I certify that the foregoing is a full, true and correct copy of a Minute Order adopted by the Board of Supervisors, Siskiyou County, State of California.

ATTEST: COLLEEN SETZER, County Clerk and ex-Officio Clerk of the  
Siskiyou County Board of Supervisors.

By: \_\_\_\_\_  
Deputy



**RESOLUTION OF THE SISKIYOU COUNTY BOARD OF SUPERVISORS  
UPDATING THE CONFLICT OF INTEREST CODE AND DESIGNATING MEMBERS  
AND EMPLOYEES IN ALL COUNTY DEPARTMENTS, SPECIAL DISTRICTS AND  
SCHOOL DISTRICTS**

*WHEREAS, the Political Reform Act, Government code Section 81000. et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730 which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Exhibit A and Exhibit B in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the County of Siskiyou, and;*

*WHEREAS, designated employees shall file their statements with the Siskiyou County Clerk, 510 North Main Street, Yreka CA 96097 who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). Statements for all designated employees will be retained by the Siskiyou County Clerk, and;*

*WHEREAS, all annual Conflict of Interest forms shall be filed by April 1 of each year, and;*

*WHEREAS, the County of Siskiyou departments, special districts, and school districts, have adopted Conflict of Interest Codes for all designated employees, officers and boards in the county, and;*

*WHEREAS, the County Clerk, as Filing Officer, is required by Government Code Section 87306.5 to update these codes.*

*NOW, THEREFORE, BE IT RESOLVED by the Siskiyou County Board of Supervisors that the Conflict of Interest Code, the positions designated and required to be filed (Exhibit A), and the disclosure required for these Positions (Exhibit B), for all county departments, special districts, and school districts, is updated and attached hereto and made a part of this resolution.*

The foregoing resolution was adopted at a regular meeting of the Board of Supervisors of the County of Siskiyou, State of California, held on the 20<sup>th</sup> day of September 2016, by the following vote:

AYES: Supervisors Kohseff, Haupt, Criss, Valenzuela and Bennett

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

ATTEST:  
COLLEEN SETZER, COUNTY CLERK

BY: Wendy D. J.

Deputy

Grace Bennett  
Grace Bennett, Chair

SISKIYOU COUNTY  
RESOLUTION

---

## SISKIYOU COUNTY CONFLICT OF INTEREST CODE

Whereas, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Exhibit A and Exhibit B in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the County of Siskiyou.

Designated employees shall file their statements with the Siskiyou County Clerk, 510 North Main Street, Yreka CA 96097, who will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Siskiyou County Clerk.

All annual Conflict of Interest forms shall be filed by April 1 of each year.

The following positions are designated to file a Conflict of Interest Statement; any consultant as defined by 2 California Code of Regulations 18700(b)(2), OR, any consultant who serves in a staff capacity and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code. Unless specified below a consultant is required to file a full disclosure.

# SISKIYOU COUNTY CONFLICT OF INTEREST CODE

## EXHIBIT "A"

### DESIGNATED POSITIONS

(2016)

Disclosure Category<sup>1</sup>

**DEPARTMENT FISCAL OFFICERS, FISCAL TECHNICIANS, FISCAL ASSISTANTS,  
DEPARTMENT CONSULTANTS, COMMISSIONS, BOARDS, & GRAND JURY:**

Department Fiscal Officers, Fiscal Technicians, Fiscal Assistants, Dept. Fiscal Officers <sup>2</sup>	I
Department Consultants <sup>3</sup>	I
Members, Airport Land Use Commission	I
Member/Alternates, Assessment Appeals Board	I
Members, Grand Jury	III
Members, Air Pollution Control District Board	I
Members, Air Pollution Control District Hearing Board	I
Members, Local Agency Formation Commission	I
Members & Executive Director, Siskiyou County Children & Families First Commission	I
Members, President, Vice Pres., Collier Interpretive & Info. Center, Joint Powers Authority	I
Members, Siskiyou Community Services Council (designated County Child Abuse Prevention Council)	I
Members, Alternates, Supervisor & Sup., Alt., Siskiyou County Regional Solid Waste Agency, Joint Powers Authority	I

<sup>1</sup> Disclosure Categories are described in Exhibit "B."

<sup>2</sup> All persons and/or positions occupying the position and/or job duties equivalent of a Fiscal Technician, Fiscal Assistant, or Dept. Fiscal, regardless of the County Department or actual job description, are in Disclosure Category I.

<sup>3</sup> Consultants are, as a general rule, subject to Disclosure Category I. However, County Counsel may determine in writing that a particular Consultant is not required to fully comply with the disclosure requirement of Disclosure Category I. (See Exhibit "B," Disclosure Category I.)

	<u>Disclosure Category</u>
Executive Director, Supervisor, Siskiyou County Power Authority	I
Executive Director, Supervisor, Siskiyou County Flood Control & Conservation District	I
Consultants for the Office of the Hearing Officer	J
Administrator, In Home Support Services Authority	I
<b><u>AGRICULTURAL COMMISSIONER/WEIGHTS &amp; MEASURES/AIR POLLUTION CONTROL OFFICER:</u></b>	
Agricultural Commissioner and Sealer of Weights and Measures	I
Senior Deputy Agricultural Commissioner/Sealer of Weights and Measures	I
Air Pollution Control Officer	I
Assistant Air Pollution Control Officer	I
<b><u>ASSESSOR-RECORDER:</u></b>	
Assessor-Recorder	I
Assistant Assessor/Recorder	I
Senior Specialist Appraiser	I
Senior Appraiser	
Appraiser	I
Recording Supervisor	I
Senior Accounting Analyst	I
<b><u>AUDITOR/CONTROLLER:</u></b>	
Auditor-Controller	I
Assistant Auditor-Controller	I
Auditor-Controller I, II, & III	I
Payroll/Account Supervisor	I
Senior Accounting Analyst	I
<b><u>SISKIYOU MODOC REG. DEPT. OF CHILD SUPPORT SERVICES:</u></b>	
Director of Child Support Services	I

	<u>Disclosure Category</u>
Assistant Director of Child Support Services	I
Chief Child Support Attorney	I
<b><u>COUNTY ADMINISTRATIVE OFFICE:</u></b>	
Assistant County Administrator	I
Fiscal Administrator	I
Natural Resource Policy Specialist	I
Personnel Manager/Risk Manager	I
Information Technology Consultant	I
Senior Management Analyst	I
Management Analyst II	I
Consultants	I
<b><u>COMMUNITY DEVELOPMENT DEPARTMENT:</u></b>	
Director of Community Development Department (Building, Environmental Health, Planning)	I
Deputy Director of Planning	I
Senior Planner	I
Associate Planner	I
Code Compliance Officer	I
Deputy Director of Environmental Health	I
Deputy Director of Building	I
Chief Building Inspector	I
Building Inspector I, II, III	I
Administrative Services Manager	I
Deputy Director of Emergency Services	I

Disclosure Category

**COUNTY CLERK/REGISTRAR OF VOTERS:**

County Clerk/Registrar of Voters 1

Assistant County Clerk/Registrar of Voters 1

**COUNTY COUNSEL:**

Assistant County Counsel 1

Deputy County Counsel I, II, III, IV 1

Deputy County Counsel Natural Resources 1

Special Counsel 1

**DISTRICT ATTORNEY:**

Assistant District Attorney 1

Deputy District Attorney I, II, III, IV 1

District Attorney Chief Investigator 1

Supervising District Attorney Investigator 1

Attorney Investigator 1

Extra Help Deputy District Attorney 1

**GENERAL SERVICES**

Director of General Services 1

Transportation Services Manager 1

Recycling/Grant Coordinator 1

Solid Waste and Flood Control Supervisor 1

**HEALTH AND HUMAN SERVICES AGENCY:**

Director of Health and Human Services Agency 1

Director of Public Health Division 1

Director of Social Services Division 1

Director of Behavioral Health Division 1

Public Health Officer 1

	<u>Disclosure Category</u>
Deputy Director of Public Health Division	I
Director of Public Health	I
Deputy Director of Behavioral Health Division	I
Behavioral Health BIS Supervisor	I
Deputy Director of Social Services Division	I
Deputy Director of Administrative Services Division	I
Director of the Office of Emergency Services	I
Deputy Director of the Office of Emergency Services	I
Deputy Director of Personal Health Services	I
Deputy Public Guardian/Conservator	I
<b><u>LIBRARY</u></b>	
County Librarian	I
<b><u>MUSEUM</u></b>	
Museum Manager	I
<b><u>PROBATION:</u></b>	
Chief Probation Officer	I
Assistant Chief Probation Officer	I
Deputy Chief Probation Officer	II
Superintendent	II
Juvenile Hall Superintendent	II
<b><u>PUBLIC DEFENDER:</u></b>	
Public Defender	I
Assistant Public Defender	I
Deputy Public Defender I, II, III, IV	I
Public Defender Investigator	I

---

Disclosure Category

**PUBLIC WORKS:**

Director of Public Works /Road Commissioner	I
Deputy Director of Public Works	I
Deputy Director of Road/Bridge Services	I
Deputy County Surveyor/Right of Way	I
Fleet Coordinator	I
Administrative Services Manager	I
Road Maintenance Supervisor	I
Road Superintendent	I
Bridge Maintenance Supervisor	I
Sr. Heavy Equipment Mechanic	I
Automotive Services Manager	I
Stores Manger	I
Civil Engineer Assistant	II
Environmental Compliance Specialist	I

**SHERIFF/CORONER:**

Sheriff-Coroner	I
Undersheriff	I
Captain	II
Lieutenant	II
Veteran's Services Officer	I

**TREASURER-TAX COLLECTOR**

Assistant Treasurer-Tax Collector	I
-----------------------------------	---

---

**COUNTY SPECIAL DISTRICT GOVERNING BOARDS**

Disclosure Category

Governing Board Members, Etna Cemetery District	III
Governing Board Members, Fort Jones Cemetery District	III
Governing Board Members, Happy Camp Cemetery District	III
Governing Board Members, Henley-Hornbrook Cemetery District	III
Governing Board Members, Lakeview Cemetery District	III
Governing Board Members, Picard Cemetery District	III
Governing Board Members, Shasta Valley Cemetery District	III
Directors, Happy Camp Community Services District	I
General Manager, Directors, Hornbrook Community Services District	I
Governing Board Members, General Manager, Police Chief, Fire Chief, Public Works Supervisor, Attorney, Lake Shastina Community Services District	I
Police Chief, Fire Chief, Public Works Supervisor, Governing Board Members, General Manager Finance Officer/Treasurer, District Legal Counsel, McCloud Community Services District	I
Governing Board Members, Tennant Community Services District	I
Governing Board Members, Butte Valley Fire Protection District	I
Governing Board Members, Copco Lake Fire Protection District	I
Chairman, Co-Chairman, Commissioner, Dunsmuir Fire Protection District	I
Governing Board Members, Gazelle Fire Protection District	I
Governing Board Members, Grenada Fire Protection District	I
Governing Board Members, Happy Camp Fire Protection District	I
Directors Hornbrook Fire Protection District	I
Governing Board Members, Fire Chief Mayten Fire Protection District	I
Governing Board Members, Montague Fire Protection District	I

---

**COUNTY SPECIAL DISTRICT GOVERNING BOARDS**

Disclosure Category

Governing Board Members, Fire Chief, Mt Shasta Fire Protection District	I
Governing Board Members, Scott Valley Fire Protection District	I
Governing Board Members, Department Chief, South Yreka Fire Protection District	I
Governing Board Members, Treasurer, Collector, Assessor, Ditch Tender, Big Springs Irrigation District	I
B Governing Board Members, Butte Valley Irrigation District	I
Governing Board Members, Grenada Irrigation District	I
Governing Board Members, Scott Valley Irrigation District	I
Governing Board Members, District Administrator, Dunsmuir Recreation & Park District	I
Governing Board Members, District Administrator, Administrative Assistant, Mt Shasta Recreation & Parks District	I
District Administrator, Governing Board Members, Weed Recreation & Park District	I
Governing Board Members, Shasta Valley Resource Conservation District	I
Governing Board Members, District Manager, Siskiyou Resource Conservation District	I
Governing Board Members, Grenada Sanitary District	I
Directors, Happy Camp Sanitary District	I
Governing Board Members, Callahan Water District	I
Governing Board Members, Office Manager, Operations Manager, Montague Water Conservation District	I
Governing Board Members, Sawyers Bar County Water District	I
Governing Board Members, Consultants, Scott Valley/Shasta Valley Water Master District	I
Siskiyou County Board of Education Members	I
Siskiyou County Superintendent of Schools	I
Siskiyou County Assistant Superintendent of Schools	I
Governing Board Members, District Superintendent, Big Springs Elementary School District	I

---

**COUNTY SPECIAL DISTRICT GOVERNING BOARDS**

Disclosure Category

Governing Board Members, Bogus Elementary School District	I
Governing Board Members, Superintendent/Principal, Butteville Elementary School District	I
Governing Board Members, Superintendent, Delphic Elementary School District	I
Governing Board Members, Superintendent, Dunsmuir Elementary School District	I
Governing Board Members, Forks of Salmon Elementary School District	I
Governing Board Members, Superintendent, Gazelle Elementary School District	I
Governing Board Members, Superintendent/Principal, Business Manager, Grenada Elementary School District	I
Governing Board Members, Superintendent/Principal, Administrative Assistant, Happy Camp Union Elementary School District	I
Governing Board Members, Superintendent, Hornbrook Elementary School District	I
Governing Board Members, Junction Elementary School District	I
Governing Board Members, Klamath River Union Elementary School District	I
Governing Board Members, Little Shasta Elementary School District	I
Governing Board Members, District Superintendent, Montague Elementary School District	I
Governing Board Members, District Superintendent, Mt Shasta Union Elementary School District	I
Governing Board Members, District Superintendent, McCloud Union Elementary School District	I
Governing Board Members, Administrator/Superintendent/Principal, Seiad Elementary School District	I
Governing Board Members, District Superintendent, Weed Union Elementary School District	I
Governing Board Members, District Superintendent, Willow Creek Elementary School District	I
Governing Board Members, Superintendent/Principal, Yreka Union Elementary School District	I
Superintendent/Principal, Governing Board Members Butte Valley Unified School District	I
Governing Board Members, Superintendent, Scott Valley Unified School District	I
Governing Board Members, District Superintendent, Siskiyou Union High School District	I
Governing Board Members, Superintendent Yreka Union High School District	I

---

**NOTE:**

**The following positions are not designated by the Siskiyou County Conflict of Interest Code because they are subject to Article 2, Chapter 7, Title 9 (commencing with Section 87200) of the Government Code and file Statements of Economic Interests directly with the Siskiyou County Clerk.**

Member of the Board of Supervisors

Siskiyou County Power Authority Board Members

Siskiyou County Flood Control District Board Members

County Executive Officer (County Administrative Officer)

County Counsel

District Attorney

Planning Commissioners

Treasurer-Tax Collector

Members, CSA 3

Members, CSA 4

Members, CSA 5

---

## SISKIYOU COUNTY CONFLICT OF INTEREST CODE

### EXHIBIT B

The following is a description of the required filing disclosures:

#### Category I

Full Disclosure - The employee/official designated in Exhibit A herein shall complete all schedules, investments and business positions, interests in real property, and income.

#### Category II

The employee/official designated in Exhibit A herein shall disclose investments and business positions in, and income from any source which, within the last two (2) years, has contracted with the designated employee/official department to provide services, supplies, materials, machinery or equipment, or is the beneficiary of services of the department, or is subject to the regulatory permits or licensing authority of the department.

#### Category III

Each employee/official designated in Exhibit A, shall disclose interest in real property located within the jurisdiction of this district. Personal residence is exempt from disclosure.

Each employee/official designated in Exhibit A above shall disclose investments and business positions in and income from any source which, within the last two (2) years, has contracted with the district to provide services, supplies, materials, machinery or equipment.

**Exhibit A-10**



# Statement of Economic Interests Form 700 Non-Filer Enforcement Referral

In order to expedite the enforcement referral, please complete the information below.  
Referral will not be accepted if the form is not entirely completed.

## I. FILING OFFICER INFORMATION

Filing Officer: COLLEEN SETZER Title: COUNTY CLERK  
Agency: COUNTY CLERK  
Address: 510 N MAIN ST YREKA CA 96097  
Telephone: (530) 842-8084 Fax: (530) 841-4110 Email: COLLEEN@SISQVOTES.ORG

## II. NON-FILER INFORMATION

Name: ANTONIO FLORES Position: BOARD MEMBER  
Division/Commission/Board: DUNSMUIR ELEMENTARY SCHOOL  
Address (Home): [REDACTED]  
Employer: N/A  
Address (Work): N/A  
Telephone (Home): [REDACTED] Telephone (Work): --- Email: ---

## III. STATEMENT INFORMATION

Type of Non-Filed Statement:  
 Assuming: 03 / 15 / 16 (Date)     Annual: \_\_\_\_\_ (Year)     Leaving: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (Date)    Date Due: 05 / 25 / 16  
Number of Prior Filings: 0 (Attach copy of most recent statement filed.)    Number of Prior Late Filings: 0 (Attach filing history.)  
Currently Holding Position?     Yes     No

## IV. NOTIFICATION: Attach copies of all communications with non-filer including letters, phone logs, emails, or other documentation. If email, provide a copy of recipient's receipt of email.

Two written notifications must be made before referring this matter to the Fair Political Practices Commission Enforcement Division for consideration for formal enforcement action.

Date: 04 / 25 / 16 (Date)     Verbal     Written    Date: 06 / 28 / 16 (Date)     Verbal     Written  
Date: 07 / 21 / 16 (Date)     Verbal     Written    Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (Date)     Verbal     Written

(Please include a copy of the conflict of interest code.)

Upon completion, email PDFs to [complaint@fppc.ca.gov](mailto:complaint@fppc.ca.gov)  
or mail the form and the attachments to:  
Fair Political Practices Commission \* Enforcement Division  
428 J Street, Ste. 620 \* Sacramento, CA 95814 \* Telephone: (916) 322-6090 \* Fax: (916) 322-1932

**Exhibit A-11**

## Shaina Elkin

---

**From:** Shelley Gray <shelley@sisqvotes.org>  
**Sent:** Monday, August 05, 2019 3:05 PM  
**To:** Shaina Elkin  
**Subject:** RE: SEI info request

Antonio Flores left office 12/02/2016.

Shelley

Shelley Gray, Deputy County Clerk  
[shelley@sisqvotes.org](mailto:shelley@sisqvotes.org)  
Siskiyou County Clerk' Office  
510 N. Main Street  
Yreka, CA 96097  
Ph. 530.842.8086  
Fax. 530.841.4110

---

**From:** Shaina Elkin [<mailto:selkin@fppc.ca.gov>]  
**Sent:** Monday, August 05, 2019 2:02 PM  
**To:** Shelley Gray  
**Subject:** RE: SEI info request

Thank you Shelley! Much appreciated.

Can you also confirm an exact leave office date for Antonio Flores?

---

**From:** Shelley Gray [<mailto:shelley@sisqvotes.org>]  
**Sent:** Monday, August 05, 2019 1:54 PM  
**To:** Shaina Elkin <[selkin@fppc.ca.gov](mailto:selkin@fppc.ca.gov)>  
**Subject:** RE: SEI info request

Shaina,



Shelley

Shelley Gray, Deputy County Clerk  
[shelley@sisqvotes.org](mailto:shelley@sisqvotes.org)  
Siskiyou County Clerk' Office  
510 N. Main Street  
Yreka, CA 96097  
Ph. 530.842.8086  
Fax. 530.841.4110

---

**From:** Shaina Elkin [<mailto:selkin@fppc.ca.gov>]  
**Sent:** Friday, August 02, 2019 11:43 AM

**Exhibit A-12**

## Jenna Rinehart

---

**From:** Nichole Thomas <nichole@sisqvotes.org>  
**Sent:** Tuesday, July 14, 2020 8:40 AM  
**To:** Jenna Rinehart  
**Subject:** RE: Antonio Flores Referral  
**Attachments:** 2018 COIC Resolution No. 18-121 Approved 09.18.18.pdf

### EXTERNAL EMAIL

Hello Jenna,

It looks like the Conflict of Interest Code was adopted on September 18, 2018 and amended on 10/01/2019. I have attached a copy of the 2018 resolution for your convenience. Mr. Flores has still failed to file his assuming and leaving office.

Thank you,

*Nichole*

---

**From:** Jenna Rinehart <jrinehart@fppc.ca.gov>  
**Sent:** Monday, July 13, 2020 3:37 PM  
**To:** Nichole Thomas <nichole@sisqvotes.org>  
**Subject:** RE: Antonio Flores Referral

Hello Nichole:

Thanks for the info below. I apologize for my delay.

Some final questions regarding the Antonio Flores case:

- Attached is the County's conflict of interest code that was effective *prior to* 10/01/2019. When was this conflict of interest code effective/dated?
- Please confirm that Mr. Antonio Flores still has not filed his Assuming Office or Leaving Office Form 700s.

Thank you,



**Jenna C. Rinehart**  
Commission Counsel  
Enforcement Division  
California Fair Political Practices Commission  
1102 Q Street, Suite 3000 | Sacramento, CA 95811  
[jrinehart@fppc.ca.gov](mailto:jrinehart@fppc.ca.gov) | 916.323.6302

*Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.*

**Exhibit A-13**



# COUNTY OF SISKIYOU

*Colleen Setzer*  
*County Clerk, Registrar of Voters*

510 N. Main Street, Yreka, CA 96097

5/25

25-APR-16

ANTONIO FLORES

RE: Assuming Office - Statement of Economic Interests

The Political Reform Act requires that officials and employees who are designated in an agency's conflict of interest code must file a Statement of Economic Interests, Form 700

Our office was notified on 03/15/2016 that you assumed your position as BOARD MEMBER for DUNSMUIR ELEMENTARY.

As an official or employee whose position is designated in the County's conflict of interest code, you are required to file an assuming office statement of economic interests no later than 30 days after the date you assumed office.

Enclosed is a Statement of Economic Interests, Form 700 and instructions, along with the reference pamphlet. Also enclosed is a copy of your disclosure category from the County's conflict of interest code which specifies the type of interests you must report. If you need assistance in determining your disclosure requirements, please contact the Fair Political Practices Commission toll free at 1-866-275-3772.

Please return your completed Form 700 to the County Clerk's Office. You may mail it or return it in person to the Clerk's Office, 510 North Main Street, Yreka, CA 96097.

If you have any questions regarding this letter, please contact the Clerk's Office at 530.842.8084.

Sincerely,  
Colleen Setzer, County Clerk

Enclosures

County Clerk - Elections  
(530) 842-8084

Clerk to the Board of Supervisors  
(530) 842-8015

Fax  
(530) 842-4110

Toll Free  
1-888-854-2000, ext. 8084

Website: [www.co.siskiyou.ca.us](http://www.co.siskiyou.ca.us)

7/28



# COUNTY OF SISKIYOU

*Colleen Setzer*  
County Clerk • Registrar of Voters

510 N Main Street  
Yreka, CA 96097-2525

County Clerk  
(530) 842-8084

Board of Supervisors  
(530) 842-8081

Elections  
(530) 842-8084

Fax  
(530) 841-4110

Toll Free  
1-888-854-2000 x8084

Website  
[www.sisqvotes.org](http://www.sisqvotes.org)

June 28, 2016

Antonio Flores



Re: Assuming Office - Statement of Economic Interests Form 700

Dear Mr. Flores,

According to our records your Assuming Office Statement of Economic Interests for your position as Board Member for DUNSMUIR ELEMENTARY SCHOOL was due on May 25, 2016, and has not been received. The deadline cannot be extended.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10 per day, up to a maximum of \$100. If you feel you have good cause for failure to timely file your Form 700, please submit the enclosed waiver and the Form 700 by July 28, 2016.

If you have any questions regarding this letter, please contact Beckie Alvarez at 842-8086.

Sincerely,

Colleen Setzer, County Clerk

By: Beckie Alvarez, Deputy Clerk

Enclosures

Form 700 available at our office or online at [www.fppc.ca.gov](http://www.fppc.ca.gov)

8/1



# COUNTY OF SISKIYOU

*Colleen Setzer*  
County Clerk • Registrar of Voters

Re: Statement of Economic Interests Form 700  
July 21, 2016

510 N Main Street  
Yreka, CA 96097-2525

County Clerk  
(530) 842-8084

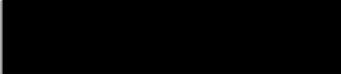
Board of Supervisors  
(530) 842-8081

Elections  
(530) 842-8084

Fax  
(530) 841-4110

Toll Free  
1-888-854-2000 x8084

Website  
[www.sisqvotes.org](http://www.sisqvotes.org)

Antonio Flores  


RE: Assuming Office – Statement of Economic Interests  
DUNSMUIR ELEMENTARY SCHOOL

Dear Mr. Flores,

You have not filed your Assuming Office Statement of Economic Interests which was due May 25, 2016. You were notified that we did not receive your Statement on June 28, 2016. This letter is your second notice. Please file immediately.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10 per day, up to a maximum of \$100, in addition to any administrative penalty (up to the statutory maximum, currently \$5,000) imposed by the Fair Political Practices Commission (FPPC) If we do not receive your statement, our agency is required to refer this matter to the FPPC or other appropriate enforcement agency.

Furthermore, state law prohibits the waiving of any portion of the liability if the statement is not filed within 30 days after specific written notice of the filing requirement has been sent. Therefore, your Statement of Economic Interests Form 700 must be completed and submitted along with a check or money order in the amount of \$100 made payable to the Siskiyou County Clerk.

**If we have not heard from you within 10 days from the date of this letter, this matter will be referred to the appropriate enforcement agency.**

Forms are available online at [www.fppc.ca.gov](http://www.fppc.ca.gov) If you have any questions regarding this letter, please contact Beckie at (530) 842-8086, or 888-854-2000 ext 8084.

Sincerely,  
Colleen Setzer, County Clerk



By: Beckie Alvarez, Deputy Clerk  
Enclosure

**Exhibit A-14**



Siskiyou County  
510 N. Main St.  
Yreka, California, 96097  
(530)842-8084

---

Laura Bynum  
County Clerk

August 2, 2019  
Antonio Flores  
Dunsmuir Elementary School Dist  
[REDACTED]

**Subject: Statement of Economic Interests - Notice of Non-Filing  
FIRST NON-FILER NOTIFICATION**

Dear Antonio Flores:

According to our records, your Statement of Economic Interests, Form 700 as Governing Board Member for Dunsmuir Elementary School Dist which was due on April 14, 2016, has not been received. Please file immediately. The deadline cannot be extended.

Government Code Section 91013 imposes a \$10.00 per day fine up to a maximum of \$100.00 for the late filing of a Statement of Economic Interests. However, if you file your statement within 30 days of the date of this letter and attach an explanation for the late filing, all or part of the fine can be waived. State law prohibits the waiving of any portion of a fine if the statement is not filed within 30 days of this letter.

The FPPC Website Link for the Statement of Economic Interests, Form 700 and instructions is <http://www.fppc.ca.gov/>. Please file your statement along with an explanation for the late filing to:

Siskiyou County Clerk's Office  
510 N. Main St.  
Yreka, California, 96097

If you have any questions regarding this letter, please contact me.

Sincerely,  
Laura Bynum  
(530)842-8084



Siskiyou County  
510 N. Main St.  
Yreka, California, 96097  
(530)842-8084

Laura Bynum  
County Clerk

August 2, 2019

Antonio Flores



**Subject: Statement of Economic Interests - Leaving Office**

Dear Antonio Flores:

Our records indicate that you left your position as Governing Board Member with the Dunsmuir Elementary School Dist on 12/2/2016 12:00:00 AM. As an official or employee whose position is designated in the agency's conflict of interest code, you are required to file a leaving office Statement of Economic Interests, Form 700 no later than *30 days* after the date you left office.

A Statement of Economic Interests, Form 700 and instructions is available on the FPPC's website at <http://www.fppc.ca.gov> or at the Siskiyou County Clerk's Office. Refer to Exhibits A and B of your adopted Conflict of Interest Code to find your designated position and disclosure category setting out the specific types of financial disclosures you must report (or disclose) on your Form 700. The County's Conflict of Interest Code is available county's website, [www.co.siskiyou.ca.us](http://www.co.siskiyou.ca.us)

Please note that there are penalties for late filing. Failure to return your completed statement by the deadline may result in your being liable for a \$10.00 per day fine for late filing per Government Code Section 91013 of the Political Reform Act of 1974.

Please submit your completed Form 700 **no later than January 03, 2017** to:

Siskiyou County Clerk's Office  
510 N. Main St.  
Yreka, California, 96097

If you have any questions regarding this letter or would like to complete your form using our online eDisclosure system, please contact me.

Sincerely,  
Laura Bynum  
(530)842-8084.



Siskiyou County  
510 N. Main St.  
Yreka, California, 96097  
(530)842-8084

---

Laura Bynum  
County Clerk

November 4, 2019

Antonio Flores



**Subject: Statement of Economic Interests - Assuming Office**

Dear Antonio Flores :

Congratulations on your appointment as **Governing Board Member** to the Dunsmuir Elementary School Dist. The Political Reform Act requires that official and employees who are designated in an agency's conflict of interest code must file a Statement of Economic Interests, Form 700.

Our records indicate that you assumed your position on **03/15/2016**. As an official or employee whose position is designated in the agency's conflict of interest code, you are required to file an assuming office Form 700 Statement of Economic Interests, Form 700 no later than 30 days after the date you assumed office.

You are now eligible to prepare and submit your Form 700 electronically in the privacy of your own personal secured filing area. It is our vision that eDisclosure system will make it easier for you to comply with reporting requirements and save time and money for you and our organization. This program is secure and password-protected; and it assists you with filling out the form accurately and completely, performing an error-check prior to finalization. Once you complete your Form 700 in eDisclosure, the next time it is necessary to submit a form 700, the system allows information to be copied from a prior year's filing. You will have access to eDisclosure 24/7 and online help is available in a form of video tutorials and user guides under Help menu.

Upon login you will see a list of positions that you are required to file Form 700 for. Once you have completed your form, the system will prompt you to electronically submit your completed Form 700.

Once submitted your form will be saved in your online e-filing cabinet under the "Previous Filings" menu.

We hope you enjoy your experience and find e-filing easy to use.

**Please watch a short 'How-to' video:**

<http://www.southtech-tutorials.com/eDisclosure/FilerDemo/tutorial.html>

**Program Location**

The location of the program is: <https://www.southtechhosting.com/SiskiyouCounty/eDisclosure/>



Siskiyou County  
510 N. Main St.  
Yreka, California, 96097  
(530)842-8084

---

Laura Bynum  
County Clerk

### What is my Login ID?

Your Login ID is: [REDACTED]

### What is my Password?

*Existing Filers (have previously logged into the system)* - If you have previously logged into the system, you have created your own password. If you have forgotten your password, please use the "Forgot Password" feature on the eDisclosure home page. This process will ask you to enter your security question and will generate a temporary password and email it to your email address. If you do not remember your security question, please contact us to reset your password which you will receive by email.

*New Filers (have never logged into the system)* - If you are a new filer, please refer to your "Conflict of Interest eFile Account Creation" email previously sent to you which included a temporary password. Once you log into the system, you will need to create a new password and answer a security question. If you have deleted the email, please contact us to reset your password which you will receive by email.

*Additional Help:* Once logged in, a short video tutorial has been provided under the Help Menu on the left side of the screen. Please review it prior to filing your form. You can also read the Filer User Guide or the Quick Reference Guide that is also available under the Help Menu.

If you have any questions regarding this email, please contact me.

Sincerely,  
Laura Bynum  
(530)842-8084.



Siskiyou County  
510 N. Main St.  
Yreka, California, 96097  
(530)842-8084

Laura Bynum  
County Clerk

November 4, 2019  
Antonio Flores

**Subject: Statement of Economic Interests - Leaving Office**

Dear Antonio Flores:

Our records indicate that you are leaving your position with the Dunsmuir Elementary School Dist. As an official or employee whose position is designated in the agency's conflict of interest code, you are required to file a leaving office Statement of Economic Interests no later than 30 days after the date you leave office.

You are now eligible to complete and submit your Leaving Office Form 700 electronically in the privacy of your own personal secured filing area. . Once you have completed your form, the system will prompt you electronically submit your completed Form 700.

Once submitted your form will be saved in your online e-filing cabinet under the "Previous Filings" menu.

We hope you enjoy your experience and find e-filing easy to use.

**Please watch a short 'How-to' video:**

<http://www.southtech-tutorials.com/eDisclosure/FilerDemo/tutorial.html>

**Program Location**

The location of the program is: <https://www.southtechhosting.com/SiskiyouCounty/eDisclosure/>

**What is my Login ID?**

Your Login ID is: [REDACTED]

**What is my Password?**

*Existing Filers (have previously logged into the system)* - If you have previously logged into the system, you have created your own password. If you have forgotten your password, please use the "Forgot Password" feature on the eDisclosure home page. This process will ask you to enter your security question and will generate a temporary password and email it to your email address. If you do not remember your security question, please contact us to reset your password which you will receive by email.

*New Filers (have never logged into the system)* - If you are a new filer, please refer to your "Conflict of



Siskiyou County  
510 N. Main St.  
Yreka, California, 96097  
(530)842-8084

---

Laura Bynum  
County Clerk

Interest eFile Account Creation” email previously sent to you which included a temporary password. Once you log into the system, you will need to create a new password and answer a security question. If you have deleted the email, please contact us to reset your password which you will receive by email.

***Additional Help:** Once logged in, a short video tutorial has been provided under the Help Menu on the left side of the screen. Please review it prior to filing your form. You can also read the Filer User Guide or the Quick Reference Guide that is also available under the Help Menu.*

If you have any questions regarding this email, please contact me.

Sincerely,  
Laura Bynum  
(530)842-8084.

**Exhibit A-15**



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

August 11, 2020

Antonio Flores

[REDACTED]  
Via email: [REDACTED]

**NOTICE OF DEFAULT DECISION AND ORDER**

**Re: FPPC No. 16/20070, In the Matter of Antonio Flores**

Dear Mr. Antonio Flores:

On June 13, 2020, 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.**<sup>1</sup>

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 September 17, 2020. 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 October 15, 2020 and impose an administrative penalty of \$8,000 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) 323-6302 or [JRinehart@fppc.ca.gov](mailto:JRinehart@fppc.ca.gov) if you wish to enter into a settlement to resolve this matter in its entirety.

Sincerely,

*Jenna C. Rinehart*

Jenna C. Rinehart  
Commission Counsel  
Enforcement Division

---

<sup>1</sup> Government Code section 11505.

**Exhibit A-16**



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

September 18, 2020

Antonio Flores

Via email: [REDACTED]

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

**Re: FPPC No. 16/20070  
In the Matter of Antonio Flores**

Dear Mr. Antonio Flores:

On June 13, 2020, 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.**<sup>1</sup>

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 September 17, 2020. The Commission will be asked to adopt the default at its public meeting scheduled for October 15, 2020 and impose an administrative penalty of \$8,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on October 15, 2020 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.

---

<sup>1</sup> 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 October 15, 2020 meeting. Please contact me at (916) 323-6302 or [JRinehart@fppc.ca.gov](mailto:JRinehart@fppc.ca.gov) if you wish to enter into a negotiated settlement.

Sincerely,

*Jenna C. Rinehart*

Jenna C. Rinehart  
Commission Counsel  
Enforcement Division

*Enclosures: Default Decision and Order, Exhibit 1 and attachments*