



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

July 6, 2021

Thomas Benson
Thomas Benson for Signal Hill City Council 2017

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

Re: FPPC No. 2018/00171, In the Matter of Thomas Benson for Signal Hill City Council 2017 and Thomas Benson

Dear Mr. Benson:

On August 28, 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.**¹

The Fair Political Practices Commission (the “Commission”) will proceed with a default, decision and order (“default”) against you. The initial notice of this default appeared on the published agenda for the Commission’s public meeting on June 17, 2021. The Commission will be asked to adopt the default at its public meeting scheduled for September 16, 2021 and impose an administrative penalty of \$9,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on September 16, 2021 is enclosed with this letter.

You may, but you are not required to, provide a response brief, along with any supporting materials, no later than five calendar days before the Commission hearing at which the default is scheduled to be heard. Your response brief must be served on the Commission Assistant, at the above address.

Following the issuance of the default order and imposition of the administrative penalty, we will commence legal proceedings to collect this fine, which may include converting the Commission’s order to a court judgment. Please be advised that administrative penalties for violations of the Political Reform Act cannot be discharged in bankruptcy proceedings.

¹ Government Code Section 11505.

This letter is your last opportunity to resolve this matter informally by way of a stipulated settlement, before the default proceedings are commenced. If we do not reach a resolution, the enclosed documents will be placed on the Commission's agenda for the September 16, 2021 meeting. Please contact me at (916) 323-6421 or tgilbertson@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,



Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

1 ANGELA J. BRERETON
Chief of Enforcement
2 THERESA GILBERTSON
Senior Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
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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
12 In the Matter of) FPPC No.: 2018/00171
13)
14 THOMAS BENSON FOR SIGNAL HILL) DEFAULT DECISION AND
CITY COUNCIL 2017 and THOMAS) ORDER
15 BENSON,)
16 Respondents.) (Government Code Sections 11506
and 11520)

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

21 Pursuant to the California Administrative Procedure Act,¹ Thomas Benson for Signal Hill City
22 Council 2017 (the “Committee”) and Thomas Benson (“Benson”) have been served with all of the
23 documents necessary to conduct an administrative hearing regarding the above-captioned matter,
24 including the following:

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

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

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

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

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

Dated: _____

Angela J. Brereton, Chief of Enforcement
Fair Political Practices Commission

ORDER

The Commission issues this Default Decision and Order and imposes a total administrative penalty of \$9,000 upon Thomas Benson for Signal Hill City Council 2017 and Thomas Benson, payable to the "General Fund of the State of California."

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

Dated: _____

Richard C. Miadich, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Thomas Benson (“Benson”) was unsuccessful in his bids for Signal Hill City Council during local elections held on March 3, 2015 and March 7, 2017. Respondent Thomas Benson for Signal Hill City Council 2017 (the “Committee”) is Benson’s candidate-controlled committee. Benson serves as the Committee’s treasurer.

The Political Reform Act (the “Act”)¹ requires recipient committees to timely file campaign statements.

This matter arose out of a referral submitted by the City of Signal Hill to the Fair Political Practices Commission’s (the “Commission”) Enforcement Division regarding the Committee’s failure to timely file a semi-annual campaign statement.

The Committee and Benson had a duty to timely file campaign statements. The Committee and Benson failed to timely file three semi-annual campaign statements for the reporting periods of July 1, 2017 through December 31, 2017; June 11, 2018 through June 30, 2018; and July 1, 2018 through December 31, 2018.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

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

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

² Section 83116.

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

⁴ Section 11503.

of a defense; or (6) object to the accusation on the ground that, under the circumstances, compliance with a Commission regulation would result in a material violation of another department's regulation affecting substantive rights.⁵

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

PROCEDURAL REQUIREMENTS AND HISTORY

A. Initiation of the Administrative Action

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

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

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

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-17, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against the Committee and Benson in this matter by serving them with a Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by

⁵ Section 11506, subd. (a)(1)–(6).

⁶ Section 11506, subd. (c).

⁷ Section 11520, subd. (a).

⁸ Section 91000.5, subd. (a).

⁹ Section 83115.5.

¹⁰ Section 83115.5.

¹¹ Section 91000.5.

certified mail.¹² The Committee and Benson were served with the Report on February 8, 2020. (Certification, Exhibit A-2.) The administrative action commenced on February 8, 2020, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on the Committee and Benson contained a cover letter and a memorandum describing probable cause proceedings, advising that the Committee and Benson had 21 days in which to request a probable cause conference and/or to file a written response to the Report. (Certification, Exhibit A-3.) The Committee and Benson 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 the Committee and Benson 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 March 6, 2020. (Certification, Exhibit A-4.)

On March 6, 2020, the Hearing Officer, Legal Division, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on the Committee and Benson. (Certification, Exhibit A-5.)

C. The Issuance and Service of the Accusation

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

Section 11503 states:

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

¹² Section 83115.5.

¹³ Regulation 18361.4, subd. (e).

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

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

On July 24, 2020, the Commission's Chief of Enforcement, Galena West, issued an Accusation against the Committee and Benson. (Certification, Exhibit A-6.) In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form for each respondent, copies of Government Code Sections 11506, 11507.5, 11507.6, and 11507.7, were served upon the Committee and Benson by personal service on August 28, 2020. (Certification, Exhibit A-7.)

Along with the Accusation, the Enforcement Division served the Committee and Benson with a "Statement to Respondent," which notified them that they could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, they would be deemed to have waived the right to a hearing. (Certification, Exhibit A-8.) The Committee and Benson did not file a Notice of Defense within the statutory time period, which ended on September 12, 2020.

As a result, on May 3, 2021, the Enforcement Division sent a letter to the Committee and Benson advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for June 17, 2021. (Certification, Exhibit A-16.)

On July 6, 2021, the Enforcement Division sent another letter to the Committee and Benson advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for September 16, 2021. (Certification, Exhibit A-17.) A copy of the Default, Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

¹⁴ Section 11505, subd. (a).

¹⁵ Section 11505, subd. (b).

¹⁶ Section 11505, subd. (c).

SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. The violations in this case occurred in 2018 and 2019. For this reason, all legal references and discussions of law pertain to the Act's provisions as they existed at that time.

An express purpose of the Act is to ensure voters are fully informed and improper practices are inhibited by requiring all candidates, as well as the committees that support or oppose them, to disclose all contributions and expenditures made throughout a campaign.¹⁷ Along these lines, the Act includes a comprehensive campaign reporting system.¹⁸

In 2014, the Act defined a "committee" as any person or combination of persons who received contributions totaling \$1,000 or more in a calendar year,¹⁹ commonly known as a "recipient committee." A recipient committee which is controlled directly or indirectly by a candidate, or which acts jointly with a candidate in connection with the making of expenditures, is a "controlled committee."²⁰ A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee.²¹

The Act requires candidates and their controlled committees to file campaign statements at specific times disclosing information regarding contributions received and expenditures made by the campaign committees.²² A candidate-controlled committee must file semi-annual campaign statements each year no later than July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.²³

SUMMARY OF THE EVIDENCE

Benson was an unsuccessful candidate in the March 3, 2015 local election for City Council in the City of Signal Hill. The Committee and Benson filed an initial statement of organization with the City of Signal Hill on December 15, 2014, and with the Secretary of State (the "SOS") on January 9, 2015. (Certification, Exhibit A-9.) According to filed campaign statements, Benson and the Committee reported \$4,740 in contributions received and \$4,613 in expenditures made in 2015. However, not all activity in 2015 was reported on campaign statements as some statements were not filed although the Committee remained open. The Committee and Benson failed to report any activity in 2016.

¹⁷ Section 81002, subd. (a).

¹⁸ Section 84200, *et seq.*

¹⁹ Former Section 82013, subd. (a).

²⁰ Section 82016, subd. (a).

²¹ Section 82016, subd. (a).

²² Sections 84200 through 84225.

²³ Section 84200, subd. (a).

Benson was an unsuccessful candidate in the March 7, 2017 local election for City Council in the City of Signal Hill. The Committee and Benson filed an amended statement of organization with the City of Signal Hill on December 14, 2016, and with the SOS on February 2, 2017. (Certification, Exhibit A-10.) According to filed campaign statements, Benson and the Committee reported \$4,669 in contributions received and \$4,626 in expenditures made in 2017.

After the 2017 election, the Committee and Benson failed to timely file a post-election semi-annual campaign statement. Pursuant to a referral from the filing officer, the Enforcement Division issued a warning letter on November 21, 2017 (FPPC No. 2017-01268) to the Committee and Benson for failure to timely file a semi-annual campaign statement for the reporting period ending on June 30, 2017 by the July 31, 2017 deadline. The Committee and Benson filed this statement late on November 15, 2017. (Certification, Exhibit A-11.) The FPPC declines to further prosecute violations prior to the issuance of the warning. This history is included to demonstrate the pattern of violations exhibited by the Respondents.

The Committee and Benson filed a semi-annual campaign statement for the reporting period of July 1, 2017 through December 31, 2017 on June 12, 2018, past the deadline of January 31, 2018. (Certification, Exhibit A-12.)

The Committee and Benson filed a semi-annual campaign statement for the reporting period of January 1, 2018 through June 10, 2018 on June 12, 2018 and indicated that it was a termination statement. (Certification, Exhibit A-13.) However, the Committee and Benson failed to file a separate termination statement of organization with either the SOS or the City of Signal Hill. Therefore, the Committee and Benson were required to continue filing campaign statements. Specifically, the Committee and Benson were required to file semi-annual campaign statements for the reporting periods of June 11, 2018 through June 30, 2018 by the deadline July 31, 2018 and July 1, 2018 through December 31, 2018 by the deadline January 31, 2019. According to the City of Signal Hill records, these statements have not been filed.

The Committee and Benson filed a termination statement of organization with the City of Signal Hill on May 14, 2019, and with the SOS on May 28, 2019. (Certification, Exhibit A-14.) Since the Committee and Benson failed to indicate a termination date on the form, it was rejected by the SOS. As of January 27, 2021, the Committee and Benson have failed to file a corrected termination statement of organization. Therefore, the Committee is still open and continues to have a filing obligation.

The Enforcement Division contacted Benson multiple times via email, U.S. Mail, and phone regarding the required campaign statements and the termination statement of organization. To date, the Committee and Benson have failed to file the outstanding campaign statements and failed to terminate the Committee with the SOS.

Summary of Contact

Overall, the Committee and Benson were contacted at least twenty-nine times regarding their duties to file campaign statements and terminate the Committee, as follows:

March 28, 2018: email and letter from the Enforcement Division
April 25, 2018: email from the Enforcement Division
April 30, 2018: email from the Enforcement Division
May 22, 2018: voicemail from the Enforcement Division
August 2, 2018: email from the Enforcement Division
August 21, 2018: email from the Enforcement Division
January 3, 2019: email from the Enforcement Division
January 30, 2019: email from the Enforcement Division
May 23, 2019: email from the Enforcement Division
July 17, 2019: email from the Enforcement Division
November 1, 2019: email from the Enforcement Division
February 8, 2020: Report in Support of a Finding of Probable Cause served
March 6, 2020: copy of a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed
March 19, 2020: email from the Enforcement Division
May 6, 2020: email from the Enforcement Division
June 3, 2020: phone call from the Enforcement Division
June 10, 2020: phone call from the Enforcement Division
June 17, 2020: phone call from the Enforcement Division
June 25, 2020: phone call from the Enforcement Division
August 28, 2020: Accusation served
January 28, 2021: letter from the Enforcement Division
May 3, 2021: letter and email from the Enforcement Division
May 7, 2021: phone call and email from Respondent
May 10, 2021: email from the Enforcement Division
June 1, 2021: email from the Enforcement Division
June 11, 2021: email from Respondent and response from Enforcement Division
June 14, 2021: email from the Enforcement Division
July 6, 2021: email from the Enforcement Division
July 6, 2021: letter from the Enforcement Division

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VIOLATIONS

The Committee and Benson committed three violations of the Act as follows:

COUNT 1

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

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

COUNT 2

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

The Committee and Benson had a duty to timely file a semi-annual campaign statement for the reporting period of June 11, 2018 through June 30, 2018, due on July 31, 2018. By failing to file the semi-annual campaign by July 31, 2018, the Committee and Benson violated Government Code Section 84200.

COUNT 3

Failure to Timely File a Semi-Annual Campaign Statement by January 31, 2019

The Committee and Benson had a duty to timely file a semi-annual campaign statement for the reporting period of July 1, 2018 through December 31, 2018, due on January 31, 2019. By failing to file the semi-annual campaign by January 31, 2019, the Committee and Benson violated Government Code Section 84200.

CONCLUSION

This matter consists of three counts of violating the Act, which carry a maximum total administrative penalty of \$15,000.²⁴

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 (e)(1) through (8): (1) The extent and gravity of the public harm caused by the specific violation; (2) The level of experience of the violator with

²⁴ Section 83116, subd. (c).

the requirements of the Political Reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence or absence of any intention to conceal, deceive or mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code Section 83114(b); (7) 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 (8) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

In this matter, the Committee and Benson failed to timely file three semi-annual campaign statements. The failure to comply with campaign filing obligations resulted in a lack of information for the voting public regarding the Committee’s activity after the March 7, 2017 local election. To date, the Committee and Benson have not filed statements to disclose activity for the reporting periods of June 11, 2018 through December 31, 2018.

The Enforcement Division did not find any evidence that the Committee and Benson intended to conceal, deceive, or mislead the public. The violations appear to have been negligent and a part of a pattern of failing to file campaign statements. Benson has run for office previously and knew or should have known the filing obligation. In addition, a letter included with filings sent to the SOS and addressed to the City of Signal Hill shows that Benson acknowledges his obligation to timely file campaign statements and termination statements. (Certification, Exhibit A-15.) In spite of this acknowledgement, Benson has shown a pattern of failing to file. Since running for office in March of 2015, Benson and the Committee have failed to file six campaign statements for the following reporting periods:

Reporting Period	Due	Filed
03/16/2015 – 06/30/2015	07/31/2015	Not Filed
07/01/2015 – 12/31/2015	02/01/2016	Not Filed
01/01/2016 – 06/30/2016	08/01/2016	Not Filed
07/01/2016 – 12/31/2016	01/31/2017	Not Filed
06/11/2018 – 06/30/2018	07/31/2018	Not Filed
07/01/2018 – 12/31/2018	01/31/2019	Not Filed

To date, the Committee and Benson have not filed the outstanding campaign statements to provide full disclosure. The Committee and Benson filed an incomplete statement of organization to terminate the Committee. Thus, the Committee is still open and continues to have filing obligations.

The Committee and Benson have a history of violating the Act. On or around November 21, 2017, the Committee and Benson received a warning letter for failure to timely file the semi-

annual campaign statement for the reporting period ending on June 30, 2017 (FPPC No. 2017-01268).

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

In the Matter of Re-Elect Terry Cox for Central Unified School District Trustee Area 6, 2016, Terry Cox, and Julie Lim; FPPC No. 17/382. (The Commission approved a default decision on June 13, 2019.) The respondents failed to timely file three semi-annual campaign statements. Cox was a successful candidate and was still in office when the default decision was approved. Eventually the committee filed its outstanding campaign statements and terminated. The Commission imposed a penalty of \$3,000 per count.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, the following penalties are proposed:

Counts	Violations	Proposed Penalty per Count
1	Failure to Timely File a Semi-Annual Campaign Statement	\$3,000
2	Failure to Timely File a Semi-Annual Campaign Statement	\$3,000
3	Failure to Timely File a Semi-Annual Campaign Statement	\$3,000
	Total:	\$9,000



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

CERTIFICATION OF RECORDS

The undersigned declares and certifies as follows:

1. I am employed as an Associate Governmental Program Analyst by the California Fair Political Practices Commission (Commission). My business address is: California Fair Political Practices Commission, 1102 Q 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. 2018/00171; Thomas Benson for Signal Hill City Council 2017 and Thomas Benson* 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 January 21, 2020

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated January 21, 2020, and accompanying certified mail receipt and return receipt

EXHIBIT A-3: Cover letter to the Respondents regarding the Report in Support of a Finding of Probable Cause, dated January 21, 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 March 6, 2020

EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated March 6, 2020

- EXHIBIT A-6: Accusation, dated July 24, 2020
- EXHIBIT A-7: Proof of Service on August 28, 2020, for Accusation and accompanying documents from process server, dated September 1, 2020
- EXHIBIT A-8: Statement to Respondents, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated July 27, 2020
- EXHIBIT A-9: Initial statement of organization, filed with the City of Signal Hill on December 15, 2014, and with the Secretary of State on January 9, 2015
- EXHIBIT A-10: Amended statement of organization, filed with the City of Signal Hill on December 14, 2016, and with the Secretary of State on February 2, 2017
- EXHIBIT A-11: Semi-annual campaign statement for the reporting period of March 17, 2017 through June 30, 2017, filed on November 15, 2017
- EXHIBIT A-12: Semi-annual campaign statement for the reporting period of July 1, 2017 through December 31, 2017, filed on June 12, 2018
- EXHIBIT A-13: Semi-annual campaign statement for the reporting period of January 1, 2018 through June 10, 2018, filed on June 12, 2018
- EXHIBIT A-14: Termination statement of organization, filed with the City of Signal Hill on May 14, 2019, and with the Secretary of State on May 28, 2019
- EXHIBIT A-15: Letter from Thomas Benson, to Ms. Kimberly Boles of City of Signal Hill, dated May 12, 2019
- EXHIBIT A-16: Notice of Default Decision and Order, dated May 3, 2021
- EXHIBIT A-17: Notice of Intent to Enter Default Decision and Order, dated July 6, 2021

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 7, 2021, at Sacramento, California.



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

Exhibit A-1

1 GALENA WEST
Chief of Enforcement
2 THERESA GILBERTSON
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 323-6421
5 Email: tgilbertson@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. 2018/00171
12)
13 THOMAS BENSON FOR SIGNAL HILL) **REPORT IN SUPPORT OF A FINDING OF**
CITY COUNCIL 2017 and THOMAS) **PROBABLE CAUSE**
14 BENSON,)
15) Conference Date: TBA
16 Respondents.) Conference Time: TBA
17) Conference Location: Commission Offices
1102 Q Street, Suite 3000
Sacramento, CA 95811

18 **INTRODUCTION**

19 Thomas Benson (“Benson”) ran for City Council in the City of Signal Hill in 2015 and 2017. His
20 candidate-controlled committee was called Thomas Benson for Signal Hill City Council 2015
21 (“Committee”) and Benson later re-designated for 2017. Benson served as the treasurer for the
22 Committee. The Committee and Benson violated the Political Reform Act (the “Act”)¹ by failing to
23 timely file campaign statements and failing to report contributions and expenditures on campaign
24 statements.

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

1 **SUMMARY OF THE LAW**

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

4 Jurisdiction

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

7 Probable Cause Proceedings

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

13 Standard for Finding Probable Cause

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

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

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

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

23 ² Section 83116.

24 ³ Section 83115.5; Regulations 18361 and 18361.4.

25 ⁴ Section 11500, *et seq.*

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

27 ⁶ Section 18361.4, subd. (c).

28 ⁷ Section 81001, subd. (h).

⁸ Section 81003.

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

3 Duty to File Campaign Statements

4 A “committee” includes any person or combination of persons who receives contributions totaling
5 \$2,000 or more in a calendar year.¹¹ This is commonly known as a “recipient committee.” A recipient
6 committee which is controlled by a candidate, or which acts jointly with a candidate in connection with
7 the making of expenditures, is a “controlled committee.”¹²

8 At the core of the Act’s campaign reporting system is the requirement that committees must file
9 campaign statements and reports for certain periods and by certain deadlines. The Act requires candidates
10 and their controlled committees to file campaign statements at specific times disclosing information
11 regarding contributions received and expenditures made by the campaign committees.¹³

12 Duty to File Semi-Annual Campaign Statements

13 A committee must file semi-annual campaign statements beginning in the period in which the
14 committee qualified and continuing until the committee terminates.¹⁴ A committee must file a semi-annual
15 statement by January 31 for the period ending December 31 of the previous year, and by July 31 for the
16 period ending June 30.¹⁵ Whenever the deadline falls on a Saturday, Sunday or official state holiday, the
17 filing deadline for a statement shall be extended to the next regular business day.¹⁶

18 Campaign Reporting

19 The Act provides that each campaign statement must contain certain information about the
20 campaign’s financial activity, including total contributions, total expenditures, and identifying
21 information about sources of contributions and recipients of expenditures.¹⁷

22 _____
23 ⁹ Section 81002, subd. (a).

24 ¹⁰ Section 81002, subd. (f).

25 ¹¹ Section 82013, subd. (a).

26 ¹² Section 82016, subd. (a).

27 ¹³ Section 84200, *et seq.*

28 ¹⁴ Section 84200, subd. (a).

¹⁵ Section 84200.

¹⁶ Regulation 18116, subd. (a).

¹⁷ Section 84211.

1 Campaign contributions include payments, forgiveness of a loan, payment of a loan by a third party, or an
2 enforceable promise to make a payment, including non-monetary or in-kind contributions.¹⁸ For
3 contributions of \$100 or more, including loans, the statement must include the name, street address,
4 occupation, employer, and amount received from each source.¹⁹ For loans, the statement must include the
5 original date and amount of each loan, the due date and interest rate of the loan, the cumulative payment
6 made or received to date, the outstanding balance at the end of the reporting period, and the cumulative
7 amount of contributions.²⁰

8 Campaign expenditures include monetary payments, forgiveness of a loan, payment of a loan by
9 a third party, or an enforceable promise to make a payment (also known as an accrued expense.)²¹ For
10 expenditures of \$100 or more, the statement must include the name of the payee, the street address, the
11 amount of each expenditure, and a brief description of each expenditure.²² An accrued expense must be
12 reported as of the date on which the goods or services are received and must be reported on subsequent
13 statements until the debt is paid or forgiven.²³

13 Termination

14 Committees and candidates shall terminate their filing obligation pursuant to regulations adopted
15 by the commission.²⁴ A recipient committee may terminate the committee's status as a committee only by
16 filing a Statement of Organization, declaring, under penalty of perjury, that the committee has ceased to
17 receive contributions and make expenditures and does not anticipate further activity; has eliminated or
18 declared that it has no intention or ability to discharge all of its debts, loans, or other obligations; has no
19 surplus funds; and has filed all required campaign statements disclosing all reportable transactions.²⁵ This
20 statement must be filed with the Secretary of State and the local filing officer.²⁶

21 //

22 _____
23 ¹⁸ Section 82015.

24 ¹⁹ Section 84211, subdivision (f).

25 ²⁰ Section 84211, subdivision (g).

26 ²¹ Section 82025.

27 ²² Section 84211, subdivision (k).

28 ²³ Regulation 18421.6.

²⁴ Section 84214.

²⁵ Regulation 18404, subdivision (b).

²⁶ Regulation 18404, subdivision (c).

1 Candidate and Treasurer Liability

2 Under the Act, it is a duty of the candidate and treasurer of a controlled committee to ensure that
3 the committee complies with all the requirements of the Act concerning the receipt, expenditure, and
4 reporting of funds.²⁷ The candidate and the treasurer may be held jointly and severally liable, along with
5 the committee, for violations committed by the committee.²⁸

6 **SUMMARY OF THE EVIDENCE**

7 Benson was a candidate in the March 3, 2015 local election for City Council member for the City
8 of Signal Hill. Benson filed an initial Statement of Organization for the Committee on or around
9 December 15, 2014 with the City of Signal Hill (later filed with the Secretary of State on January 9,
10 2015.) He timely filed the first and second pre-election campaign statements for the 2015 election. For
11 the 2015 election, Benson reported a total of \$4,740 in contributions and \$4,614 in expenditures. He was
12 ultimately unsuccessful in the election.

13 For the post-election semi-annual campaign statement for the period of February 15, 2015 through
14 June 30, 2015, Benson and the Committee reported only through March 15, 2015 and indicated that the
15 statement was a termination statement. However, no Form 410 Statement of Organization was ever filed
16 to terminate the Committee. Additionally, the Committee had a cash balance of \$45.72, making it
17 ineligible to be terminated. As the Committee was still open, the Committee continued to have a filing
18 obligation. The Committee failed to timely file any campaign statements until 2017.

19 Benson was a candidate again in the March 7, 2017 local election for City Council member for
20 the City of Signal Hill. He filed an amended Statement of Organization on December 14, 2016 with the
21 City of Signal Hill, indicating that he intended to “campaign, fundraise, for election to City Council.”
22 This statement was filed with the Secretary of State on February 2, 2017. Benson filed the two pre-
23 election campaign statements timely, however, on the first pre-election campaign statement for the
24 reporting period of January 1, 2017 through January 21, 2017 he failed to fully disclose all of the
25

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

27 ²⁸ Sections 83116.5 and 91006.

1 campaign activity. Though he reported \$380 in expenditures on the summary page, Benson failed to
2 include the schedule that details expenditures. Therefore, he failed to disclose the details for those
3 expenditures, including but not limited to, the amount of each expenditure, the payee, the address of the
4 payee, and the description of the services or goods received.

5 Benson was unsuccessful in the election. For the 2017 election, he reported receiving a total of
6 \$6,259 in contributions and making \$7,166 in expenditures, including an accrued expense. Benson timely
7 filed a post-election semi-annual campaign statement for the period of February 19, 2017 through March
8 16, 2017. For this statement, Benson reported \$1,590 in contributions, but failed to include the schedule
9 that details the contributions. Therefore, he failed to disclose the details for those contributions, including
10 but not limited to, the amount of each contribution, the contributor's name, address, and occupation
11 and/or employer.

12 Benson filed a semi-annual campaign statement covering the period of March 17, 2017 through
13 June 30, 2017. Though this statement was required to be filed by July 31, 2017, Benson filed the statement
14 107 days late on November 15, 2017. At that time, Benson reported no contributions and \$738 in
15 expenditures, an accrued expense of \$2,000 owed to Western American Public Affairs, and a cash balance
16 of \$360.

17 Benson filed a semi-annual campaign statement for the period of January 1, 2018 through June
18 10, 2018 and indicated that this was a termination statement. According to a note on the form made by
19 the filing officer, Benson was told to file a Statement of Organization and was given a blank copy of the
20 form. This statement was never filed, and the Committee was not terminated. On the campaign statement,
21 Benson reported that the cash balance was zero, having donated the remaining cash balance to a charitable
22 organization, but failed to disclose the disposition of the accrued expense owed to Western American
23 Public Affairs. The Committee has not filed any statement to disclose the campaign's activity for the
24 period of June 11, 2018 through December 31, 2018.

25 Benson filed a campaign statement for the period of January 1, 2019 through May 12, 2019 and
26 again indicated that this was a termination statement. Benson filed a Statement of Organization on the
27

1 same day, however, he failed to indicate the date of termination on the form. As the form was incomplete,
2 the Committee is still open and continues to have a filing obligation.

3 The following table summarizes the campaign statements that were filed late or never filed by the
4 Committee and Benson:

5

6 Reporting Period	Due	Filed
7 03/16/2015 – 06/30/2015	07/31/2015	Not Filed
8 07/01/2015 – 12/31/2015	02/01/2016	Not Filed
9 01/01/2016 – 06/30/2016	08/01/2016	Not Filed
10 07/01/2016 – 12/31/2016	01/31/2017	Not Filed
11 03/16/2017 – 06/30/2017	07/31/2017	11/15/2017
12 07/01/2017 – 12/31/2017	01/31/2018	Not Filed
13 06/11/2018 – 06/30/2018	07/31/2018	Not Filed
14 07/01/2018 – 12/31/2018	01/31/2019	Not Filed

15 The filing officer and the Enforcement Division have made numerous attempts to request that
16 Benson file a complete Statement of Organization to terminate the Committee. To date, Mr. Benson has
17 been unresponsive after his attempt to file the form in May of 2019.

18 As the Committee is still open, the Committee continues to have a filing obligation.

19 **VIOLATIONS**

20 **Count 1: Failure to Timely File a Semiannual Campaign Statement**

21 The Committee and Benson failed to timely file a campaign statement for the reporting period of
22 March 16, 2015 through June 30, 2015 by the deadline of July 31, 2015, in violation of Government Code
23 section 84200.

24
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1 Count 2: Failure to Timely File a Semiannual Campaign Statement

2 The Committee and Benson failed to timely file a campaign statement for the reporting period of
3 July 1, 2015 through December 31, 2015 by the deadline of February 1, 2016, in violation of Government
4 Code section 84200.

5 Count 3: Failure to Timely File a Semiannual Campaign Statement

6 The Committee and Benson failed to timely file a campaign statement for the reporting period of
7 January 1, 2016 through June 30, 2016 by the deadline of July 31, 2017, in violation of Government Code
8 section 84200.

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

10 The Committee and Benson failed to timely file a campaign statement for the reporting period of
11 July 1, 2016 through December 31, 2016 by the deadline of January 31, 2017, in violation of Government
12 Code section 84200.

13 Count 7: Failure to Timely File a Campaign Statement

14 The Committee and Benson failed to timely file a campaign statement for the reporting period of
15 July 1, 2017 through December 31, 2017 by the deadline of January 31, 2018 in violation of Government
16 Code section 84200.

17 Count 8: Failure to Timely Report Expenditures

18 The Committee and Benson failed to disclose the disposition of an accrued expense owed to
19 Western American Public Affairs on a statement filed for the period of January 1, 2018 through June 10,
20 2018, in violation of Government Code section 84211, subdivision (k).

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

22 The Committee and Benson failed to timely file a campaign statement for the reporting period of
23 June 11, 2018 through June 30, 2018 by the deadline of July 31, 2018, in violation of Government Code
24 section 84200.

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

2 The Committee and Benson failed to timely file a campaign statement for the reporting period of
3 July 1, 2018 through December 31, 2018 by the deadline of January 31, 2019, in violation of Government
4 Code section 84200.

5 **OTHER RELEVANT MATERIAL**

6 The Committee and Benson have prior enforcement history, per FPPC Case No. 2017/1268. On
7 November 21, 2017, the Enforcement Division issued a warning letter to the Committee and Benson for
8 failure to timely file a semi-annual campaign statement for the reporting period of January 1, 2017
9 through June 30, 2017, due by July 31, 2017. The Committee and Benson filed the semi-annual campaign
10 statement on November 15, 2017, approximately four months past the deadline. As this count was already
11 adjudicated by the Enforcement Division at that time, the Enforcement Division will not include it as a
12 separate charge but will consider it as an aggravating factor.

13 Benson has demonstrated a pattern of negligence regarding the timely and consistent filing of
14 campaign disclosure statements. Though the filing officer and the Enforcement Division have made
15 numerous attempts to direct Benson to comply with the reporting requirements, he has failed to
16 completely file the required forms.

17 **EXCULPATORY AND MITIGATING INFORMATION**

18 Benson was unsuccessful in the March 3, 2015 and March 5, 2017 election. Benson has asserted
19 that there was no post-election activity to report. The violations appear to be negligent. Benson has made
20 attempts to comply, at times filing when directed, but has failed to follow through on fulfilling his duty
21 as a candidate.

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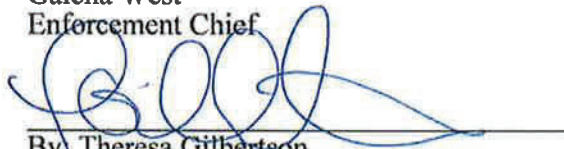
CONCLUSION

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

Dated: 1/21/2020

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION
Galena West
Enforcement Chief



By Theresa Gilbertson
Commission Counsel
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, CA 95811.

On 1/21/2020, I served the following document(s):

1. Letter dated 1/21/2020, from Theresa Gilbertson;
2. FPPC No. 18/0171 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 United States Postal Service. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the addresses listed below and placed the envelope or package for collection and mailing by certified mail, return receipt requested, following my company's ordinary business practices. I am readily familiar with this business' practice for collection and processing correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

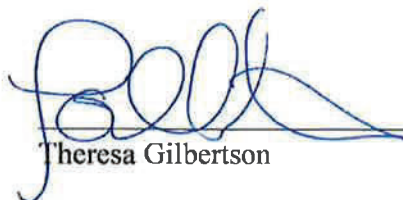
I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

SERVICE LIST

Certified Mail, Return Receipt Requested

Thomas Benson


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 1/21/2020



Theresa Gilbertson

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

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

OFFICIAL USE

7018 2290 0001 9166 4671

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

PC 28302
 1/21/20
 Postmark
 Here
 10/171

Sent To: Thomas Benson

Street and Apt. No., PO Box, or P.O. Route _____

City, State _____

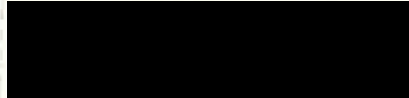
PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

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:

THOMAS BENSON



9590 9402 4740 8344 7635 58

2. Article Number (Transfer from service label)

7018 2290 0001 9166 4671

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature Thomas Benson Agent Addressee

B. Received by (Printed Name) THOMAS BENSON C. Date of Delivery 2/18/20

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

3. Service Type

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

Domestic Return Receipt

Exhibit A-3



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

January 21, 2020

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Thomas Benson
[REDACTED]

In the Matter of Thomas Benson for Signal Hill City Council, FPPC No. 18/171

Dear Mr. Benson,

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) is proceeding with an administrative action against you for your failure to comply with the filing and disclosure provisions of the Political Reform Act (the “Act”), as described in our previous discussions. The enclosed Report in Support of a Finding of Probable Cause (the “Report”) contains a summary of the alleged violations and the relevant law and evidence.

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the Hearing Officer. In your response, please indicate whether you would like the Hearing Officer to make a determination of probable cause based on the written materials alone (the Report and your response) or request a conference, during which you may orally present your case to the Hearing Officer. Probable cause conferences are held in our office, which is located at 1102 Q Street, Suite 3000, Sacramento, CA 95811. You may appear at the conference in person or by telephone and you are entitled to be represented by counsel. ***If you wish to submit a written response or request a probable cause conference, it must be filed with the Commission Assistant at the address listed above within 21 days from the date of service of this letter.*** You can reach the Commission Assistant at (916) 327-8269.

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

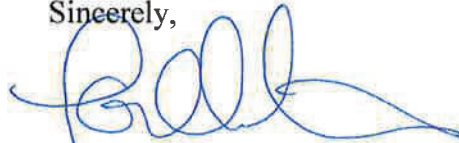
Finally, you have the right to request discovery of the evidence in possession of, and relied upon by, the Enforcement Division. ***This request must also be filed with the Commission Assistant within 21 days from the date of service of this letter.*** Should you request discovery, the Enforcement Division will provide the evidence by service of process or certified mail. From the date you are

served with the evidence, you would have an additional 21 days to file a written response to the Report, just as described above.

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

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

Sincerely,



Theresa Gilbertson
Commission Counsel

Enclosures

PROBABLE CAUSE FACT SHEET

INTRODUCTION

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

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

THE LAW

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

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

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

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

THE PROCEDURE

Probable Cause Report

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

Discovery

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

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."²

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

¹ 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.).

² 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.”³

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.

³ 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

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

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of) FPPC No. 18/00171
)
) EX PARTE REQUEST FOR A FINDING OF
) PROBABLE CAUSE AND AN ORDER THAT
) AN ACCUSATION BE PREPARED AND
) SERVED
Respondents.)
) Gov. Code § 83115.5
)
)

TO THE HEARING OFFICER OF THE FAIR POLITICAL PRACTICES COMMISSION:

Pursuant to Section 83115.5 of the Political Reform Act (the “Act”)¹ and Regulation 18361.4, Respondents Thomas Benson for Signal Hill City Council 2017 (“Committee”) and Thomas Benson (“Benson”) were served with a copy of a report in support of a finding of probable cause (“Report”) in the above-entitled matter.² The Report, attached as “Exhibit A,” was part of a packet of materials, including a cover letter and a memorandum describing probable cause proceedings, which was served to Benson by means of certified mail, return receipt requested, on February 8, 2020. A copy of the return receipt is attached as “Exhibit B.”

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

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

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

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

14
15 Count 1: Failure to Timely File a Semiannual Campaign Statement

16 The Committee and Benson failed to timely file a campaign statement for the reporting period of
17 March 16, 2015 through June 30, 2015 by the deadline of July 31, 2015, in violation of Government Code
18 section 84200.

19 Count 2: Failure to Timely File a Semiannual Campaign Statement

20 The Committee and Benson failed to timely file a campaign statement for the reporting period of
21 July 1, 2015 through December 31, 2015 by the deadline of February 1, 2016, in violation of Government
22 Code section 84200.

23 Count 3: Failure to Timely File a Semiannual Campaign Statement

24 The Committee and Benson failed to timely file a campaign statement for the reporting period of
25 January 1, 2016 through June 30, 2016 by the deadline of July 31, 2017, in violation of Government Code
26 section 84200.

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

2 The Committee and Benson failed to timely file a campaign statement for the reporting period of
3 July 1, 2016 through December 31, 2016 by the deadline of January 31, 2017, in violation of Government
4 Code section 84200.

5 Count 5: Failure to Timely File a Campaign Statement

6 The Committee and Benson failed to timely file a campaign statement for the reporting period of
7 July 1, 2017 through December 31, 2017 by the deadline of January 31, 2018 in violation of Government
8 Code section 84200.

9 Count 6: Failure to Timely Report Expenditures

10 The Committee and Benson failed to disclose the disposition of an accrued expense owed to
11 Western American Public Affairs on a statement filed for the period of January 1, 2018 through June 10,
12 2018, in violation of Government Code section 84211, subdivision (k).

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

14 The Committee and Benson failed to timely file a campaign statement for the reporting period of
15 June 11, 2018 through June 30, 2018 by the deadline of July 31, 2018, in violation of Government Code
16 section 84200.

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

18 The Committee and Benson failed to timely file a campaign statement for the reporting period of
19 July 1, 2018 through December 31, 2018 by the deadline of January 31, 2019, in violation of Government
20 Code section 84200.

21
22
23 //

1 Additionally, after finding probable cause exists, the Enforcement Division requests an order by
2 the Hearing Officer that an accusation be prepared against Benson and the Committee and served upon
3 them.³

4 A copy of this Request was mailed via U.S. Mail to Benson and the Committee on March 6, 2020
5 at the last known address and the place of service, as follows:

6 Thomas Benson
7 

9 Dated: 3/6/2020

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION
Galena West
Chief of Enforcement



By: Theresa Gilbertson
Commission Counsel
Enforcement Division

³ Gov. Code § 11503.

EXHIBIT A

1 GALENA WEST
Chief of Enforcement
2 THERESA GILBERTSON
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
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5 Email: tgilbertson@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
11 In the Matter of:) FPPC No. 2018/00171
12)
13 THOMAS BENSON FOR SIGNAL HILL) **REPORT IN SUPPORT OF A FINDING OF**
CITY COUNCIL 2017 and THOMAS) **PROBABLE CAUSE**
14 BENSON,)
15) Conference Date: TBA
16 Respondents.) Conference Time: TBA
17) Conference Location: Commission Offices
1102 Q Street, Suite 3000
Sacramento, CA 95811

18 **INTRODUCTION**

19 Thomas Benson (“Benson”) ran for City Council in the City of Signal Hill in 2015 and 2017. His
20 candidate-controlled committee was called Thomas Benson for Signal Hill City Council 2015
21 (“Committee”) and Benson later re-designated for 2017. Benson served as the treasurer for the
22 Committee. The Committee and Benson violated the Political Reform Act (the “Act”)¹ by failing to
23 timely file campaign statements and failing to report contributions and expenditures on campaign
24 statements.

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

1 **SUMMARY OF THE LAW**

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

4 Jurisdiction

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

7 Probable Cause Proceedings

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

13 Standard for Finding Probable Cause

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

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

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

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

23 ² Section 83116.

24 ³ Section 83115.5; Regulations 18361 and 18361.4.

25 ⁴ Section 11500, *et seq.*

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

27 ⁶ Section 18361.4, subd. (c).

28 ⁷ Section 81001, subd. (h).

⁸ Section 81003.

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

3 Duty to File Campaign Statements

4 A “committee” includes any person or combination of persons who receives contributions totaling
5 \$2,000 or more in a calendar year.¹¹ This is commonly known as a “recipient committee.” A recipient
6 committee which is controlled by a candidate, or which acts jointly with a candidate in connection with
7 the making of expenditures, is a “controlled committee.”¹²

8 At the core of the Act’s campaign reporting system is the requirement that committees must file
9 campaign statements and reports for certain periods and by certain deadlines. The Act requires candidates
10 and their controlled committees to file campaign statements at specific times disclosing information
11 regarding contributions received and expenditures made by the campaign committees.¹³

12 Duty to File Semi-Annual Campaign Statements

13 A committee must file semi-annual campaign statements beginning in the period in which the
14 committee qualified and continuing until the committee terminates.¹⁴ A committee must file a semi-annual
15 statement by January 31 for the period ending December 31 of the previous year, and by July 31 for the
16 period ending June 30.¹⁵ Whenever the deadline falls on a Saturday, Sunday or official state holiday, the
17 filing deadline for a statement shall be extended to the next regular business day.¹⁶

18 Campaign Reporting

19 The Act provides that each campaign statement must contain certain information about the
20 campaign’s financial activity, including total contributions, total expenditures, and identifying
21 information about sources of contributions and recipients of expenditures.¹⁷

22 ⁹ Section 81002, subd. (a).

23 ¹⁰ Section 81002, subd. (f).

24 ¹¹ Section 82013, subd. (a).

25 ¹² Section 82016, subd. (a).

26 ¹³ Section 84200, *et seq.*

27 ¹⁴ Section 84200, subd. (a).

28 ¹⁵ Section 84200.

¹⁶ Regulation 18116, subd. (a).

¹⁷ Section 84211.

1 Campaign contributions include payments, forgiveness of a loan, payment of a loan by a third party, or an
2 enforceable promise to make a payment, including non-monetary or in-kind contributions.¹⁸ For
3 contributions of \$100 or more, including loans, the statement must include the name, street address,
4 occupation, employer, and amount received from each source.¹⁹ For loans, the statement must include the
5 original date and amount of each loan, the due date and interest rate of the loan, the cumulative payment
6 made or received to date, the outstanding balance at the end of the reporting period, and the cumulative
7 amount of contributions.²⁰

8 Campaign expenditures include monetary payments, forgiveness of a loan, payment of a loan by
9 a third party, or an enforceable promise to make a payment (also known as an accrued expense.)²¹ For
10 expenditures of \$100 or more, the statement must include the name of the payee, the street address, the
11 amount of each expenditure, and a brief description of each expenditure.²² An accrued expense must be
12 reported as of the date on which the goods or services are received and must be reported on subsequent
13 statements until the debt is paid or forgiven.²³

13 Termination

14 Committees and candidates shall terminate their filing obligation pursuant to regulations adopted
15 by the commission.²⁴ A recipient committee may terminate the committee's status as a committee only by
16 filing a Statement of Organization, declaring, under penalty of perjury, that the committee has ceased to
17 receive contributions and make expenditures and does not anticipate further activity; has eliminated or
18 declared that it has no intention or ability to discharge all of its debts, loans, or other obligations; has no
19 surplus funds; and has filed all required campaign statements disclosing all reportable transactions.²⁵ This
20 statement must be filed with the Secretary of State and the local filing officer.²⁶

21 //

22 _____
23 ¹⁸ Section 82015.

24 ¹⁹ Section 84211, subdivision (f).

25 ²⁰ Section 84211, subdivision (g).

26 ²¹ Section 82025.

27 ²² Section 84211, subdivision (k).

28 ²³ Regulation 18421.6.

²⁴ Section 84214.

²⁵ Regulation 18404, subdivision (b).

²⁶ Regulation 18404, subdivision (c).

1 Candidate and Treasurer Liability

2 Under the Act, it is a duty of the candidate and treasurer of a controlled committee to ensure that
3 the committee complies with all the requirements of the Act concerning the receipt, expenditure, and
4 reporting of funds.²⁷ The candidate and the treasurer may be held jointly and severally liable, along with
5 the committee, for violations committed by the committee.²⁸

6 **SUMMARY OF THE EVIDENCE**

7 Benson was a candidate in the March 3, 2015 local election for City Council member for the City
8 of Signal Hill. Benson filed an initial Statement of Organization for the Committee on or around
9 December 15, 2014 with the City of Signal Hill (later filed with the Secretary of State on January 9,
10 2015.) He timely filed the first and second pre-election campaign statements for the 2015 election. For
11 the 2015 election, Benson reported a total of \$4,740 in contributions and \$4,614 in expenditures. He was
12 ultimately unsuccessful in the election.

13 For the post-election semi-annual campaign statement for the period of February 15, 2015 through
14 June 30, 2015, Benson and the Committee reported only through March 15, 2015 and indicated that the
15 statement was a termination statement. However, no Form 410 Statement of Organization was ever filed
16 to terminate the Committee. Additionally, the Committee had a cash balance of \$45.72, making it
17 ineligible to be terminated. As the Committee was still open, the Committee continued to have a filing
18 obligation. The Committee failed to timely file any campaign statements until 2017.

19 Benson was a candidate again in the March 7, 2017 local election for City Council member for
20 the City of Signal Hill. He filed an amended Statement of Organization on December 14, 2016 with the
21 City of Signal Hill, indicating that he intended to “campaign, fundraise, for election to City Council.”
22 This statement was filed with the Secretary of State on February 2, 2017. Benson filed the two pre-
23 election campaign statements timely, however, on the first pre-election campaign statement for the
24 reporting period of January 1, 2017 through January 21, 2017 he failed to fully disclose all of the
25

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

27 ²⁸ Sections 83116.5 and 91006.

1 campaign activity. Though he reported \$380 in expenditures on the summary page, Benson failed to
2 include the schedule that details expenditures. Therefore, he failed to disclose the details for those
3 expenditures, including but not limited to, the amount of each expenditure, the payee, the address of the
4 payee, and the description of the services or goods received.

5 Benson was unsuccessful in the election. For the 2017 election, he reported receiving a total of
6 \$6,259 in contributions and making \$7,166 in expenditures, including an accrued expense. Benson timely
7 filed a post-election semi-annual campaign statement for the period of February 19, 2017 through March
8 16, 2017. For this statement, Benson reported \$1,590 in contributions, but failed to include the schedule
9 that details the contributions. Therefore, he failed to disclose the details for those contributions, including
10 but not limited to, the amount of each contribution, the contributor's name, address, and occupation
11 and/or employer.

12 Benson filed a semi-annual campaign statement covering the period of March 17, 2017 through
13 June 30, 2017. Though this statement was required to be filed by July 31, 2017, Benson filed the statement
14 107 days late on November 15, 2017. At that time, Benson reported no contributions and \$738 in
15 expenditures, an accrued expense of \$2,000 owed to Western American Public Affairs, and a cash balance
16 of \$360.

17 Benson filed a semi-annual campaign statement for the period of January 1, 2018 through June
18 10, 2018 and indicated that this was a termination statement. According to a note on the form made by
19 the filing officer, Benson was told to file a Statement of Organization and was given a blank copy of the
20 form. This statement was never filed, and the Committee was not terminated. On the campaign statement,
21 Benson reported that the cash balance was zero, having donated the remaining cash balance to a charitable
22 organization, but failed to disclose the disposition of the accrued expense owed to Western American
23 Public Affairs. The Committee has not filed any statement to disclose the campaign's activity for the
24 period of June 11, 2018 through December 31, 2018.

25 Benson filed a campaign statement for the period of January 1, 2019 through May 12, 2019 and
26 again indicated that this was a termination statement. Benson filed a Statement of Organization on the
27

1 same day, however, he failed to indicate the date of termination on the form. As the form was incomplete,
2 the Committee is still open and continues to have a filing obligation.

3 The following table summarizes the campaign statements that were filed late or never filed by the
4 Committee and Benson:

5

6 Reporting Period	Due	Filed
7 03/16/2015 – 06/30/2015	07/31/2015	Not Filed
8 07/01/2015 – 12/31/2015	02/01/2016	Not Filed
9 01/01/2016 – 06/30/2016	08/01/2016	Not Filed
10 07/01/2016 – 12/31/2016	01/31/2017	Not Filed
11 03/16/2017 – 06/30/2017	07/31/2017	11/15/2017
12 07/01/2017 – 12/31/2017	01/31/2018	Not Filed
13 06/11/2018 – 06/30/2018	07/31/2018	Not Filed
14 07/01/2018 – 12/31/2018	01/31/2019	Not Filed

15 The filing officer and the Enforcement Division have made numerous attempts to request that
16 Benson file a complete Statement of Organization to terminate the Committee. To date, Mr. Benson has
17 been unresponsive after his attempt to file the form in May of 2019.

18 As the Committee is still open, the Committee continues to have a filing obligation.

19 **VIOLATIONS**

20 **Count 1: Failure to Timely File a Semiannual Campaign Statement**

21 The Committee and Benson failed to timely file a campaign statement for the reporting period of
22 March 16, 2015 through June 30, 2015 by the deadline of July 31, 2015, in violation of Government Code
23 section 84200.

24
25 //

1 Count 2: Failure to Timely File a Semiannual Campaign Statement

2 The Committee and Benson failed to timely file a campaign statement for the reporting period of
3 July 1, 2015 through December 31, 2015 by the deadline of February 1, 2016, in violation of Government
4 Code section 84200.

5 Count 3: Failure to Timely File a Semiannual Campaign Statement

6 The Committee and Benson failed to timely file a campaign statement for the reporting period of
7 January 1, 2016 through June 30, 2016 by the deadline of July 31, 2017, in violation of Government Code
8 section 84200.

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

10 The Committee and Benson failed to timely file a campaign statement for the reporting period of
11 July 1, 2016 through December 31, 2016 by the deadline of January 31, 2017, in violation of Government
12 Code section 84200.

13 Count 7: Failure to Timely File a Campaign Statement

14 The Committee and Benson failed to timely file a campaign statement for the reporting period of
15 July 1, 2017 through December 31, 2017 by the deadline of January 31, 2018 in violation of Government
16 Code section 84200.

17 Count 8: Failure to Timely Report Expenditures

18 The Committee and Benson failed to disclose the disposition of an accrued expense owed to
19 Western American Public Affairs on a statement filed for the period of January 1, 2018 through June 10,
20 2018, in violation of Government Code section 84211, subdivision (k).

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

22 The Committee and Benson failed to timely file a campaign statement for the reporting period of
23 June 11, 2018 through June 30, 2018 by the deadline of July 31, 2018, in violation of Government Code
24 section 84200.

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

2 The Committee and Benson failed to timely file a campaign statement for the reporting period of
3 July 1, 2018 through December 31, 2018 by the deadline of January 31, 2019, in violation of Government
4 Code section 84200.

5 **OTHER RELEVANT MATERIAL**

6 The Committee and Benson have prior enforcement history, per FPPC Case No. 2017/1268. On
7 November 21, 2017, the Enforcement Division issued a warning letter to the Committee and Benson for
8 failure to timely file a semi-annual campaign statement for the reporting period of January 1, 2017
9 through June 30, 2017, due by July 31, 2017. The Committee and Benson filed the semi-annual campaign
10 statement on November 15, 2017, approximately four months past the deadline. As this count was already
11 adjudicated by the Enforcement Division at that time, the Enforcement Division will not include it as a
12 separate charge but will consider it as an aggravating factor.

13 Benson has demonstrated a pattern of negligence regarding the timely and consistent filing of
14 campaign disclosure statements. Though the filing officer and the Enforcement Division have made
15 numerous attempts to direct Benson to comply with the reporting requirements, he has failed to
16 completely file the required forms.

17 **EXCULPATORY AND MITIGATING INFORMATION**

18 Benson was unsuccessful in the March 3, 2015 and March 5, 2017 election. Benson has asserted
19 that there was no post-election activity to report. The violations appear to be negligent. Benson has made
20 attempts to comply, at times filing when directed, but has failed to follow through on fulfilling his duty
21 as a candidate.

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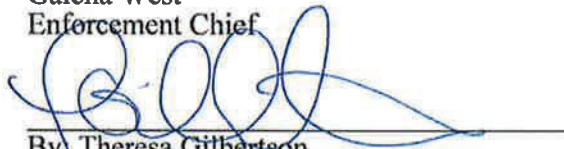
CONCLUSION

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

Dated: 1/21/2020

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION
Galena West
Enforcement Chief



By Theresa Gilbertson
Commission Counsel
Enforcement Division

EXHIBIT B

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 1/21/2020, I served the following document(s):

1. Letter dated 1/21/2020, from Theresa Gilbertson;
2. FPPC No. 18/0171 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 United States Postal Service. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the addresses listed below and placed the envelope or package for collection and mailing by certified mail, return receipt requested, following my company's ordinary business practices. I am readily familiar with this business' practice for collection and processing correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

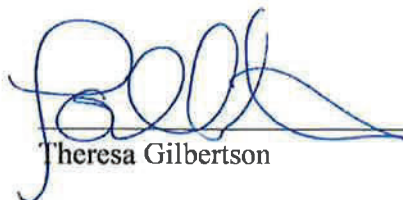
I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

SERVICE LIST

Certified Mail, Return Receipt Requested

Thomas Benson


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 1/21/2020



Theresa Gilbertson

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

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

OFFICIAL USE

7018 2290 0001 9166 4671

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

PC 2302
 1/21/20
 Postmark
 Here
 10/171

Sent To: Thomas Benson

Street address: _____

City, State: _____

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

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:

THOMAS BENSON



9590 9402 4740 8344 7635 58

2. Article Number (Transfer from service label)

7018 2290 0001 9166 4671

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature Thomas Benson Agent Addressee

B. Received by (Printed Name) THOMAS BENSON C. Date of Delivery 2/8/20

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

3. Service Type

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

Domestic Return Receipt

Exhibit A-5

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of) FPPC No. 18/00171
)
)
THOMAS BENSON FOR SIGNAL HILL) FINDING OF PROBABLE CAUSE AND
CITY COUNCIL 2017 and THOMAS) ORDER TO PREPARE AND SERVE AN
BENSON,) ACCUSATION
)
Respondent.) Gov. Code § 83115.5
)
)

By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated March 6, 2020, the Enforcement Division submitted the above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served (Ex Parte Request), the Enforcement Division served a Report in Support of a Finding of Probable Cause (PC Report) on Respondents Thomas Benson for Signal Hill City Council 2017 (“Committee”) and Thomas Benson (“Benson”) on February 8, 2020 by certified mail, return receipt requested. Accompanying the PC Report was a packet of materials that informed Respondents of their right to file a written response to the PC Report and to request a probable cause conference within 21 days following service of the PC Report. During the 21 days that followed service of the PC Report, Respondents did not file a response to the PC Report or request a probable cause conference. Pursuant to California Code of Regulations title 2, section 18361.4, determination of probable cause may be made solely on papers submitted when the respondent does not request a probable cause conference.¹

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

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

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

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

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

9 The Committee and Benson failed to timely file a campaign statement for the reporting period of
10 March 16, 2015 through June 30, 2015 by the deadline of July 31, 2015, in violation of Government Code
11 section 84200.

12 Count 2: Failure to Timely File a Semiannual Campaign Statement

13 The Committee and Benson failed to timely file a campaign statement for the reporting period of
14 July 1, 2015 through December 31, 2015 by the deadline of February 1, 2016, in violation of Government
15 Code section 84200.

16 Count 3: Failure to Timely File a Semiannual Campaign Statement

17 The Committee and Benson failed to timely file a campaign statement for the reporting period of
18 January 1, 2016 through June 30, 2016 by the deadline of July 31, 2017, in violation of Government Code
19 section 84200.

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

21 The Committee and Benson failed to timely file a campaign statement for the reporting period of
22 July 1, 2016 through December 31, 2016 by the deadline of January 31, 2017, in violation of Government
23 Code section 84200.

24 Count 5: Failure to Timely File a Campaign Statement

25 The Committee and Benson failed to timely file a campaign statement for the reporting period of
26 July 1, 2017 through December 31, 2017 by the deadline of January 31, 2018 in violation of Government
27 Code section 84200.

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

1 Count 6: Failure to Timely Report Expenditures

2 The Committee and Benson failed to disclose the disposition of an accrued expense owed to
3 Western American Public Affairs on a statement filed for the period of January 1, 2018 through June 10,
4 2018, in violation of Government Code section 84211, subdivision (k).

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

6 The Committee and Benson failed to timely file a campaign statement for the reporting period of
7 June 11, 2018 through June 30, 2018 by the deadline of July 31, 2018, in violation of Government Code
8 section 84200.

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

10 The Committee and Benson failed to timely file a campaign statement for the reporting period of
11 July 1, 2018 through December 31, 2018 by the deadline of January 31, 2019, in violation of Government
12 Code section 84200.

13
14 Based on the Ex Parte Request given to me, I find that notice has been given to Benson and the
15 Committee.³ I further find, based on the PC Report and the Ex Parte Request, that there is probable cause
16 to believe that the Benson and the Committee violated the Political Reform Act as alleged in Counts 1-8,
17 as identified above.

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

20
21 IT IS SO ORDERED.

22
23 Dated: 3/6/2020

24 
25 Hearing Officer
26 Fair Political Practices Commission

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

**FPPC No18/00171, In the matter of Thomas Benson for Signal Hill City Council 2017
and Thomas Benson**

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

Thomas Benson


(By Personal Service) On Friday, March 6, 2020, at approximately 3:00 p.m., I personally served:

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

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document is executed at Sacramento, California, on March 6, 2020.



Sasha Linker

Exhibit A-6

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

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

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

11 In the Matter of) FPPC No. 2018/00171
12)
13 THOMAS BENSON FOR SIGNAL) **ACCUSATION**
14 HILL CITY COUNCIL 2017 and)
THOMAS BENSON,)
15) (Gov. Code §11503)
16 Respondents.)
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 (the
22 “Commission”) and makes this Accusation in its official capacity and in the public interest.

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

1 2015 was reported on campaign statements as some statements were not filed although the Committee
2 remained open. The Committee and Benson failed to report any activity in 2016.

3 6. Benson filed an amended statement of organization indicating that the name of the
4 committee was now, "Tom Benson for Signal Hill City Council." This statement was filed with the local
5 filing officer on December 14, 2016 and with SOS on February 2, 2017. On campaign statements, the
6 Committee and Benson filed as, "Thomas Benson for Signal Hill City Council 2017."

7 7. According to filed campaign statements, Benson and the Committee reported receiving
8 \$4,669 in contributions and reported making \$4,626 in expenditures in 2017.

9 8. After the 2017 election, the Committee and Benson failed to timely file the post-election
10 semi-annual campaign statement. Pursuant to a referral from the filing officer, the Enforcement Division
11 issued a warning letter on November 21, 2017 (FPPC No. 2017-01268) to the Committee and Benson for
12 failure to timely file the semi-annual campaign statement for the reporting period of February 19, 2017
13 through June 30, 2017 by the July 31, 2017 deadline. The Committee and Benson filed this statement late
14 on November 15, 2017.

15 9. The Committee and Benson filed the semi-annual campaign statement for the reporting
16 period of July 1, 2017 through December 31, 2017 on June 10, 2018 past the deadline of January 31, 2018.

17 10. The Committee and Benson filed a campaign statement for January 1, 2018 through June
18 10, 2018 on June 10, 2018. The Committee and Benson indicated on the semi-annual campaign statement
19 filed on or around June 10, 2018 that this statement was a terminating statement, but failed to file the
20 separate termination statement with either the SOS or Signal Hill.

21 11. Therefore, the Committee and Benson were required to continue filing campaign
22 statements. Specifically, the Committee and Benson were required to file semi-annual campaign
23 statements for the reporting periods of June 11, 2018 through June 30, 2018 by the deadline July 31, 2018
24 and July 1, 2018 through December 31, 2018 by the deadline January 31, 2019. According to City of
25 Signal Hill records, these statements have not been filed.

26 12. The Committee and Benson filed a statement of organization to terminate the committee
27 titled "Thomas Benson for Signal Hill City Council 2017" with the local filing officer on May 14, 2019
28 and with SOS on May 28, 2019 but failed to indicate a termination date on the form. SOS rejected the

1 form for incompleteness and requested corrections to include a date of termination. As on July 15, 2020,
2 the Committee and Benson have failed to file a corrected termination statement. Therefore, the Committee
3 continues to have a filing obligation.

4 PROCEDURAL HISTORY

5 13. The Enforcement Division contacted Benson by email on; March 28, 2018; April 25, 2018;
6 April 30, 2018; August 2, 2018; August 21, 2018; January 3, 2019; and January 30, 2019; by U.S. Mail
7 on March 28, 2018; and by phone on May 22, 2018; June 3, 2020; June 10, 2020; June 17, 2020; and June
8 25, 2020, regarding the required campaign statements.

9 14. The Enforcement Division initiated an administrative action against the Committee and
10 Benson in this matter by serving them with a packet containing a cover letter, a Report in Support of a
11 Finding of Probable Cause (“PC Report”), a fact sheet regarding probable cause proceedings, selected
12 sections of the Government Code regarding probable cause proceedings for the Commission, and selected
13 regulations of the Commission regarding probable cause proceedings.

14 15. The Committee and Benson were served with the PC Report at the last known addresses
15 on February 8, 2020 by certified mail, return receipt. The information contained in the PC Report packet
16 advised the Committee and Benson that they had 21 days in which to request a probable cause conference,
17 file a written response to the PC Report, or both. As of the date of this Accusation, the Committee and
18 Benson have not responded to the PC Report.

19 16. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an
20 Accusation Be Prepared and Served (“Ex Parte Request”), dated March 6, 2020, the Enforcement Division
21 submitted the matter to the Hearing Officer for a determination of probable cause.

22 17. On or about March 6, 2020, the Hearing Officer issued an order finding, based on the Ex
23 Parte Request and the PC Report, that there was probable cause to believe the Committee and Benson
24 violated the Act and directed the Enforcement Division to issue an accusation against the Committee and
25 Benson in accordance with the finding.

26 VIOLATIONS

27 18. The Committee and Benson committed four violations of the Act as follows:

28 //

1 **Count 1**

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

3 19. Complainant incorporates paragraphs 1 – 18 of this Accusation, as though completely set
4 forth here.

5 20. The Committee and Benson were required to timely file a semi-annual campaign statement
6 for the reporting period of July 1, 2017 through December 31, 2017, due on January 31, 2018.

7 21. The Committee and Benson failed to timely file the semi-annual campaign statement for
8 the reporting period of July 1, 2017 through December 31, 2017, by the deadline. The statement was filed
9 on June 10, 2018.

10 22. By failing to timely file the semi-annual campaign statement by January 31, 2018, the
11 Committee and Benson violated Government Code Section 84200.

12 **Count 2**

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

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

16 24. The Committee and Benson were required to timely file a semi-annual campaign statement
17 for the reporting period of June 11, 2018 through June 30, 2018, due on July 31, 2018.

18 25. The Committee and Benson failed to timely file the semi-annual campaign statement for
19 the reporting period of June 11, 2018 through June 30, 2018, by the deadline. As of the date of this writing,
20 this statement has not been filed.

21 26. By failing to timely file the semi-annual campaign statement by July 31, 2018, the
22 Committee and Benson violated Government Code Section 84200.

23 **Count 3**

24 **Failure to Timely File a Semi-Annual Campaign Statement**

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

27 28. The Committee and Benson were required to timely file a semi-annual campaign statement
28 for the reporting period of July 1, 2018 through December 31, 2018, due on January 31, 2019.

1 29. The Committee and Benson failed to timely file the semi-annual campaign statement for
2 the reporting period of July 1, 2018 through December 31, 2018, by the deadline. As of the date of this
3 writing, this statement has not been filed.

4 30. By failing to timely file the semi-annual campaign statement by January 31, 2019, the
5 Committee and Benson violated Government Code Section 84200.

6 **MITIGATING OR EXCULPATORY FACTORS**

7 31. Benson was an unsuccessful candidate in the local elections held on March 3, 2015 and
8 March 7, 2017.

9 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

10 32. The Committee and Benson were previously issued a warning letter on November 21,
11 2017.

12 33. Benson has run for office previously and knew or should have known the filing obligation.
13 In addition, a letter included with filings sent to the Secretary of State and addressed to the City of Signal
14 Hill shows that Benson acknowledges his obligation to timely file campaign statements and termination
15 statements. Despite this, Benson has shown a pattern of failing to follow through. Since running for office
16 in March of 2015, Benson and the Committee have failed to file six campaign statements for the following
17 reporting periods:

18

19 Reporting Period	Due	Filed
20 03/16/2015 – 06/30/2015	07/31/2015	Not Filed
21 07/01/2015 – 12/31/2015	02/01/2016	Not Filed
22 01/01/2016 – 06/30/2016	08/01/2016	Not Filed
23 07/01/2016 – 12/31/2016	01/31/2017	Not Filed
24 06/11/2018 – 06/30/2018	07/31/2018	Not Filed
25 07/01/2018 – 12/31/2018	01/31/2019	Not Filed

26 34. To date, the Committee and Benson have not filed to provide full disclosure.

27 35. The Committee and Benson filed an incomplete statement of organization to terminate the
28 Committee. Thus, the Committee is still open and continues to have filing obligations.

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 the Committee and Benson violated the Act as alleged herein;
2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee and Benson to pay a monetary penalty of up to \$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 the Committee and Benson to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 2**;
4. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee and Benson to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 3**;
5. 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.

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

Dated: 24 July 2020



Galena West
Chief of Enforcement
Fair Political Practices Commission

Exhibit A-7

ATTORNEY OR PARTY WITHOUT ATTORNEY: Fair Political Practices Commission 1102 Q Street, Suite 3000 Sacramento, CA 95811 TELEPHONE NO.: (916) 322-8246 EMAIL ADDRESS: sgevorkyan@fppc.ca.gov ATTORNEY FOR:	FOR COURT USE ONLY
FAIR POLITICAL PRACTICES COMMISSION COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: Fair Political Practices Commission DEFENDANT: Thomas Benson for Signal Hill City Council 2017 and Thomas Benson	CASE NUMBER: 2018/00171
PROOF OF SERVICE	Ref. No. or File No.: 2018/00171

1. I am over 18 years of age and not a party to this action.
2. Received by GSI to be served on **Thomas Benson, 2616 Foreman Ave., Long Beach, CA 90815.**
3. At the time of service I was at least 18 years of age and not a party to this action. I served copies of the Accusation
 - a. Party Served: Thomas Benson
 - b. Person Served: Thomas Benson
 - c. Address: [REDACTED]
(Abode)
4. Date and Time of service: 8/28/2020 at 11:50 am
5. I am an independent contractor of a registered California process server.
6. My name, address, telephone number, and, if applicable, county of registration and number are:

Name: George Sano
 Firm: GSI
 Address: 360 E. 1st St., Suite 773, Tustin, CA 92780
 Telephone number: (714) 788-4860
 Registration Number: PSC2623
 County: Orange
 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: 9-1-2020

George Sano

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



(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

Exhibit A-8



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

STATEMENT TO RESPONDENTS

[Government Code Section 11505, subdivision (b)]

Thomas Benson for Signal Hill City Council 2017 and Thomas Benson, FPPC Case No. 2018-00171

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

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

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

If you desire a list of the names and addresses of witnesses against you, or an opportunity to inspect and copy the items mentioned in Section 11507.6 of the Government Code that are in the possession, custody, or control of this agency, or if you wish to discuss the possibility of resolving this matter without a formal hearing, you may contact Theresa Gilbertson, Commission Counsel, at (916) 323-6421 or tgilbertson@fppc.ca.gov, Enforcement Division.

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

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

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



Before the Fair Political Practices Commission

State of California

In the Matter of) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
THOMAS BENSON FOR SIGNAL) FPPC Case No. 2018/00171
HILL CITY COUNCIL 2017 and)
THOMAS BENSON,)
)
)
Respondents.)
)

Thomas Benson, a respondent named in the above entitled proceeding and on behalf of Thomas Benson for Signal Hill City Council 2017, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

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

GROUND FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
THOMAS BENSON FOR SIGNAL) FPPC Case No. 2018/00171
HILL CITY COUNCIL 2017 and)
THOMAS BENSON,)
)
)
Respondents.)
)

Thomas Benson, a respondent named in the above entitled proceeding and on behalf of Thomas Benson for Signal Hill City Council 2017, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

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

GROUND FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip

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 7/27/2020, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 2018-00171: 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 10:27 (a.m.)/p.m.:

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

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

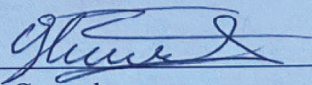
I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

SERVICE LIST

Personal Service

Thomas Benson


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 7/27/2020.



Suzanna Gevorkyan

Exhibit A-9

1374483

RECEIVED AND FILED
in the office of the Secretary of State
of the State of California

Rejected: CP 12/31/14
Returned: CP 12/31/14

Statement of Organization R 19
Recipient Committee L

Statement Type Initial
Not yet qualified or

Amendment
List I.D. number: # _____
 Termination - See Part 5
List I.D. number: # _____

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

City of Signal Hill
2014 DEC 15 PM 2:37
ADMINISTRATION R R/g
DEC 31 2014

CITY OF SIGNAL HILL
in the office of the Secretary of State
of the State of California

CALIFORNIA 410 FORM
FILED For Official Use Only

1. Committee Information
Thomas Benson for Signal Hill City Council 2015

2. Treasurer and Other Principal Officers
THOMAS BENSON

SIGNAL HILL CA 90755 562 234 8290
CITY STATE ZIP CODE AREA CODE/PHONE
2637 St Louis Ave, Signal Hill, CA
MAILING ADDRESS (IF DIFFERENT)
bensoncsh@gmail.com
FAX E-MAIL ADDRESS
Los Angeles
CITY STATE ZIP CODE AREA CODE/PHONE
Lo. SIGNAL HILL

NAME OF ASSISTANT TREASURER, IF ANY
STREET ADDRESS (NO P.O. BOX)
CITY STATE ZIP CODE AREA CODE/PHONE
NAME OF PRINCIPAL OFFICERS(S)
STREET ADDRESS (NO P.O. BOX)
CITY STATE ZIP CODE AREA CODE/PHONE

Attach additional information on appropriately labeled continuation sheets.

3. Verification

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

Executed on 12/15/2014 By Thomas R Benson
DATE SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on 12/1/2014 By Thomas R Benson
DATE SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROponent

Executed on _____ By _____
DATE SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROponent

Executed on _____ By _____
DATE SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROponent

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

Page 2

Thomas Benson for Signal Hill City Council 2015

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

NAME OF FINANCIAL INSTITUTION US BANK	AREA CODE/PHONE 562 490 2089	BANK ACCOUNT NUMBER 157 504 009 117
ADDRESS 2615 CHERRY AVE, SIGNAL HILL, 90755	CITY SIGNAL HILL	STATE CA
		ZIP CODE 90755

4. Type of Committee Complete the applicable sections.

Controlled Committee

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

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROponent	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
THOMAS BENSON	Council Member - Signal Hill	2015	<input checked="" type="checkbox"/> Nonpartisan <input type="checkbox"/> Nonpartisan

Primarily Formed Committee

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

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

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA
FORM 410

Page 3

I.D. NUMBER

Thomas Benson for Signal Hill City Council 2015

4. Type of Committee (Continued)

General Purpose Committee

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

CITY Committee COUNTY Committee STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

NO. AND STREET

CITY

STATE

ZIP CODE

Small Contributor Committee

_____ / _____
Date qualified

5. Termination Requirements

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

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

Exhibit A-10

ck

1374453

Statement of Organization R19
Recipient Committee L

Statement Type Initial
Not yet qualified or

Amendment
List I.D. number:
1374453 #

Termination - See Part 5
List I.D. number:

FEB 02 2017

Date Stamp

CITY OF SIGNAL HILL

2016 DEC 14 PM 3:42

ADMINISTRATION

CALIFORNIA 410
FORM
For Official Use Only

1. Committee Information

NAME OF COMMITTEE

2. Treasurer and Other Principal Officers

NAME OF TREASURER

THOMAS BENSON

STREET ADDRESS (NO P.O. BOX)

2155 TEMPLE AVENUE SH, CA 90755 562
CITY STATE ZIP CODE AREA CODE/PHONE

STREET ADDRESS (NO P.O. BOX)

SIGNAL HILL CA 90755 562 2348290

CITY

STATE

ZIP CODE

AREA CODE/PHONE

MAILING ADDRESS (IF DIFFERENT)

bensonsb@gmail.com

FAX / E-MAIL ADDRESS

COUNTY OF DOMICILE

LOS ANGELES City of Signal Hill

JURISDICTION WHERE COMMITTEE IS ACTIVE

NAME OF PRINCIPAL OFFICER(S)

STREET ADDRESS (NO P.O. BOX)

Attach additional information on appropriately labeled continuation sheets.

3. Verification

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

Executed on _____ By Thomas Benson

SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on _____ By _____

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Executed on _____ By _____

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Executed on _____ By _____

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA 410
FORM

Page 2

I.D. NUMBER

COMMITTEE WRITE
Tom Benson for Signal Hill City Council

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

NAME OF FINANCIAL INSTITUTION		AREA CODE/PHONE	BANK ACCOUNT NUMBER
ADDRESS		CITY	STATE
			ZIP CODE

4. Type of Committee Complete the applicable sections.

Controlled Committee

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

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

Primarily Formed Committee

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

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

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

Page 3

I.D. NUMBER

COMMITTEE NAME
Tom Benson for Signal Hill City Council

4. Type of Committee (Continued)

General Purpose Committee

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

CITY Committee COUNTY Committee STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

CAMPAIGN, FUNDRAISE, FOR ELECTION TO CITY COUNCIL

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

Small Contributor Committee

Date qualified

5. Termination Requirements

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

- This committee has ceased to receive contributions and make expenditures;
- This committee does not anticipate receiving contributions or making expenditures in the future;
- This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
- This committee has no surplus funds; and
- This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.

-- There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.

-- Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

Exhibit A-11

**Recipient Committee
Campaign Statement
Cover Page**

COVER PAGE

CALIFORNIA **460**
FORM

Page 1 of 1
For Official Use Only

Date Stamp
CITY OF SIGNAL HILL

Date of election, if applicable:
(Month, Day, Year) 11 15

PM 3:37

MAREK ZAIZANOWICZ
TERMINATION

Statement covers period
from 3-17-17
through 6-30-17

SEE INSTRUCTIONS ON REVERSE

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

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

2. Type of Statement:

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

3. Committee Information

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

Thomas Benson for Signal Hill City Council 2017

I.D. NUMBER

Treasurer(s)

NAME OF TREASURER
Thomas BENSON

MAILING ADDRESS

2155 Temple Ave

CITY SIGNAL HILL STATE CA ZIP CODE 90755 AREA CODE/PHONE 5622348290

STREET ADDRESS (NO P.O. BOX)

2155 TEMPLE AVE #2

CITY SIGNAL HILL STATE CA ZIP CODE 90755 AREA CODE/PHONE 5622348290

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

CITY

STATE

ZIP CODE

AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

OPTIONAL: FAX / E-MAIL ADDRESS

4. Verification

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

Executed on 11/15/2017 Date

By Thomas Benson Signature of Treasurer or Assistant Treasurer

Executed on _____ Date

By _____ Signature of Controlling Officer/holder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

Executed on _____ Date

By _____ Signature of Controlling Officer/holder, Candidate, State Measure Proponent

Executed on _____ Date

By _____ Signature of Controlling Officer/holder, Candidate, State Measure Proponent

Campaign Disclosure Statement Summary Page

Amounts may be rounded to whole dollars.

SUMMARY PAGE

Statement covers period

CALIFORNIA FORM 460

from _____ through _____

Page 2 of _____

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER _____

I.D. NUMBER _____

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions..... Schedule A, Line 3	\$ 0	\$ 6259.00
2. Loans Received..... Schedule B, Line 3	\$ 0	\$ 6259.00
3. SUBTOTAL CASH CONTRIBUTIONS..... Add Lines 1 + 2	\$ 0	\$ 6259.00
4. Nonmonetary Contributions..... Schedule C, Line 3	\$ 0	\$ 0
5. TOTAL CONTRIBUTIONS RECEIVED..... Add Lines 3 + 4	\$ 0	\$ 6259.00

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

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

Expenditures Made

6. Payments Made..... Schedule E, Line 4	\$ 738.21
7. Loans Made..... Schedule H, Line 3	\$ 0
8. SUBTOTAL CASH PAYMENTS..... Add Lines 6 + 7	\$ 738.21
9. Accrued Expenses (Unpaid Bills)..... Schedule F, Line 3	\$ 0
10. Nonmonetary Adjustment..... Schedule C, Line 3	\$ 0
11. TOTAL EXPENDITURES MADE..... Add Lines 8 + 9 + 10	\$ 738.21

Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made* (if Subject to Voluntary Expenditure Limit)	Date of Election (mm/dd/yy)	Total to Date
\$ 7804.	____/____/____	\$ _____
\$ 7804.	____/____/____	\$ _____

Current Cash Statement

12. Beginning Cash Balance..... Previous Summary Page, Line 16	\$ 1099.00
13. Cash Receipts..... Column A, Line 3 above	\$ 0
14. Miscellaneous Increases to Cash..... Schedule I, Line 4	\$ 738.21
15. Cash Payments..... Column A, Line 8 above	\$ 360.79
16. ENDING CASH BALANCE..... Add Lines 12 + 13 + 14, then subtract Line 15	\$ 1476.42

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

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

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

17. LOAN GUARANTEES RECEIVED..... Schedule B, Part 2	\$ 0
18. Cash Equivalents..... See instructions on reverse	\$ 2000
19. Outstanding Debts..... Add Line 2 + Line 9 in Column B above	\$ 0

Cash Equivalents and Outstanding Debts

**Schedule D
Summary of Expenditures
Supporting/Opposing Other
Candidates, Measures and Committees**

Amounts may be rounded
to whole dollars.

Statement covers period
from 3.17.17

through _____
Page 3 of _____

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER _____
I.D. NUMBER _____

DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
	<u>RICARDO LARA for INSURANCE COMMISSIONER</u> <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	<input checked="" type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure	<u>REGISTRATION & ENTERTAINER TIP CONTRIBUTION</u>	<u>250.</u>	<u>250.</u>	
	<input type="checkbox"/> Support <input type="checkbox"/> Oppose	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure				
	<input type="checkbox"/> Support <input type="checkbox"/> Oppose	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure				
SUBTOTAL \$					<u>250</u>	

Schedule D Summary

- Itemized contributions and independent expenditures made this period. (Include all Schedule D subtotals.) \$ _____
- Unitemized contributions and independent expenditures made this period of under \$100..... \$ _____
- Total contributions and independent expenditures made this period. (Add Lines 1 and 2. Do not enter on the Summary Page.) TOTAL... \$ 250.⁰⁰

Schedule E Payments Made

Amounts may be rounded
to whole dollars.

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER _____

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

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

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
THOMAS BENSON		PARTIAL REPAYMENT OF FILING FEES	488.31
LARA FOR INSURANCE COMMISSIONER		REGISTRATION & CONTRIBUTION FOR DRAG FUND RAISER	250.00

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

Schedule E Summary

- Itemized payments made this period. (Include all Schedule E subtotals.) \$ **738.31**
- Unitemized payments made this period of under \$100 \$ **0**
- Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) \$ **0**
- Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) TOTAL \$ **738.31**

SUBTOTAL \$

Amounts may be rounded to whole dollars.

Statement covers period from 3-17-17

Page 5 of _____

through _____

I.D. NUMBER _____

NAME OF FILER _____

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

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

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

NAME AND ADDRESS OF CREDITOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	DESCRIPTION OF PAYMENT	CODE OR DESCRIPTION OF PAYMENT	(a) OUTSTANDING BALANCE BEGINNING OF THIS PERIOD	(b) AMOUNT INCURRED THIS PERIOD	(c) AMOUNT PAID THIS PERIOD (ALSO REPORT ON E)	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD
WESTERN AMERICAN PUBLIC AFFAIRS 342 WEST BROOKSHIRE ORANGE, CA 92665	CNS		2000.	/	/	2000.
SUBTOTALS \$			2000	\$	\$	2000

Exhibit A-12

Recipient Committee Campaign Statement Cover Page

COVER PAGE

CALIFORNIA
FORM

Date Stamp
CITY OF SIGNAL HILL

Page 59 of 59
For Official Use Only

Date of election if applicable:
(Month, Day, Year)
March 7, 2017

Statement covers period
from July 1, 2017
through 12/31/2017

SEE INSTRUCTIONS ON REVERSE

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

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

2. Type of Statement:

- Preamble Statement
- Semi-annual Statement
- Termination Statement
- Amendment (Explain below)
- Quarterly Statement
- Special Odd-Year Report

3. Committee Information

I.D. NUMBER
F1374453

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

Thomas Benson for Signal Hill City Council 2017

Treasurer(s)

NAME OF TREASURER

Thomas Benson

MAILING ADDRESS

2155 Temple Avenue

CITY

Signal Hill

STATE

CA

ZIP CODE

90755

AREA CODE/PHONE

5622348290

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS

STREET ADDRESS (NO P.O. BOX)
2155 Temple Avenue

CITY
Signal Hill

STATE
CA

ZIP CODE
90755

AREA CODE/PHONE
5622348290

CITY
Signal Hill

STATE
CA

ZIP CODE
90755

AREA CODE/PHONE
5622348290

OPTIONAL: FAX / E-MAIL ADDRESS

4. Verification

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

Executed on June 10, 2018 Date

By Thomas Benson Signature of Treasurer or Assistant Treasurer

Executed on _____ Date

By _____ Signature of Controlling Officer/holder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

Executed on _____ Date

By _____ Signature of Controlling Officer/holder, Candidate, State Measure Proponent

Executed on _____ Date

By _____ Signature of Controlling Officer/holder, Candidate, State Measure Proponent

Campaign Disclosure Statement Summary Page

Amounts may be rounded
to whole dollars.

SUMMARY PAGE

Statement covers period

from July 1, 2017

through

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Thomas Benson

Page _____ of _____

I.D. NUMBER

F1374453

CALIFORNIA
FORM
460

Contributions Received

Column A
TOTAL THIS PERIOD
(FROM ATTACHED SCHEDULES)

Column B
CALENDAR YEAR
TOTAL TO DATE

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

1. Monetary Contributions.....	Schedule A, Line 3	\$ 0		1/1 through 6/30	7/1 to Date
2. Loans Received.....	Schedule B, Line 3	0			
3. SUBTOTAL CASH CONTRIBUTIONS.....	Add Lines 1 + 2	\$ 0			
4. Nonmonetary Contributions.....	Schedule C, Line 3	0			
5. TOTAL CONTRIBUTIONS RECEIVED.....	Add Lines 3 + 4	\$ 0			

Expenditures Made

6. Payments Made.....	Schedule E, Line 4	\$ 0			
7. Loans Made.....	Schedule H, Line 3	0			
8. SUBTOTAL CASH PAYMENTS.....	Add Lines 6 + 7	\$ 00			
9. Accrued Expenses (Unpaid Bills).....	Schedule F, Line 3	0			
10. Nonmonetary Adjustment.....	Schedule C, Line 3	0			
11. TOTAL EXPENDITURES MADE.....	Add Lines 8 + 9 + 10	\$ 0			

Expenditure Limit Summary for State Candidates

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

Date of Election (mm/dd/yy)	Total to Date
____/____/____	\$ _____
____/____/____	\$ _____

Current Cash Statement

12. Beginning Cash Balance.....	Previous Summary Page, Line 16	\$ 360.79
13. Cash Receipts.....	Column A, Line 3 above	0
14. Miscellaneous Increases to Cash.....	Schedule I, Line 4	0
15. Cash Payments.....	Column A, Line 8 above	0
16. ENDING CASH BALANCE.....	Add Lines 12 + 13 + 14, then subtract Line 15	\$ 360.79

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

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

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

LOAN GUARANTEES RECEIVED

17. LOAN GUARANTEES RECEIVED.....	Schedule B, Part 2	\$ 0
-----------------------------------	--------------------	------

Cash Equivalents and Outstanding Debts

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

Exhibit A-13

Recipient Committee Campaign Statement Cover Page

Candidate told form H10 was required by SOS & to please email copy. Blank H10 was provided to candidates.

CALIFORNIA FORM 460 Date Stamp CITY OF SIGNAL 2018 JUN 12 PM 4: 59 For Official Use Only Page of ADMINISTRATION

Date of election if applicable: (Month, Day, Year) March 7, 2017

Statement covers period from January 1, 2018 through FINAL

1. Type of Recipient Committee: All Committees - Complete Parts 1, 2, 3, and 4. Officeholder, Candidate Controlled Committee, State Candidate Election Committee, Recall, General Purpose Committee, Sponsored, Small Contributor Committee, Political Party/Central Committee, Primarily Formed Ballot Measure Committee, Controlled, Sponsored, Primarily Formed Candidate/Officeholder Committee.

2. Type of Statement: Prelection Statement, Semi-annual Statement, Termination Statement, Amendment (Explain below). Quarterly Statement, Special Odd-Year Report.

3. Committee Information: COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE) Thomas Benson for Signal Hill City Council 2017 I.D. NUMBER F1374453

Treasurer(s): NAME OF TREASURER Thomas Benson MAILING ADDRESS 2155 Temple Avenue CITY Signal Hill STATE CA ZIP CODE 90755 AREA CODE/PHONE 5622348290

STREET ADDRESS (NO P.O. BOX) 2155 Temple Avenue CITY Signal Hill STATE CA ZIP CODE 90755 AREA CODE/PHONE 5622348290 MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

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

Executed on June 10, 2018 By Thomas Benson Signature of Treasurer or Assistant Treasurer

Signature of Controlling Officer/holder, Candidate, State Measure Proponent or Responsible Officer of Sponsor. Signature of Controlling Officer/holder, Candidate, State Measure Proponent. Signature of Controlling Officer/holder, Candidate, State Measure Proponent.

Campaign Disclosure Statement Summary Page

Amounts may be rounded
to whole dollars.

Statement covers period
from January 1, 2018
through FINAL

Page _____ of _____

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Thomas Benson

I.D. NUMBER

F1374453

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

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

1/1 through 6/30 7/1 to Date

20. Contributions Received \$ _____

21. Expenditures Made \$ _____

Expenditure Limit Summary for State Candidates

6. Payments Made.....	Schedule E, Line 4 \$ 0	\$ 0
7. Loans Made.....	Schedule H, Line 3 0	0
8. SUBTOTAL CASH PAYMENTS.....	Add Lines 6 + 7 00	\$ 0
9. Accrued Expenses (Unpaid Bills).....	Schedule F, Line 3 0	0
10. Nonmonetary Adjustment.....	Schedule C, Line 3 0	0
11. TOTAL EXPENDITURES MADE.....	Add Lines 8 + 9 + 10 0	\$ 0

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

Date of Election _____ Total to Date _____

(mm/dd/yy) _____ \$ _____

_____ \$ _____

Current Cash Statement

12. Beginning Cash Balance.....	Previous Summary Page, Line 16 \$ 360.79
13. Cash Receipts.....	Column A, Line 3 above 0
14. Miscellaneous Increases to Cash.....	Schedule I, Line 4 0
15. Cash Payments.....	Column A, Line 8 above 360.79
16. ENDING CASH BALANCE.....	Add Lines 12 + 13 + 14, then subtract Line 15 0

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

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

17. LOAN GUARANTEES RECEIVED

17. LOAN GUARANTEES RECEIVED.....	Schedule B, Part 2 \$ 0
-----------------------------------	-------------------------

Cash Equivalents and Outstanding Debts

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

Campaign Disclosure Statement Summary Page

Amounts may be rounded
to whole dollars.

SUMMARY PAGE

Statement covers period
January 1, 2018

from _____ through _____
FINAL

Page _____ of _____

I.D. NUMBER
F1374453

CALIFORNIA
FORM
460

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Thomas Benson

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions.....	Schedule A, Line 3 \$ 0	1/1 through 6/30 7/1 to Date
2. Loans Received.....	Schedule B, Line 3 0	
3. SUBTOTAL CASH CONTRIBUTIONS.....	Add Lines 1 + 2 0	20. Contributions Received \$ _____
4. Nonmonetary Contributions.....	Schedule C, Line 3 0	21. Expenditures Made \$ _____
5. TOTAL CONTRIBUTIONS RECEIVED.....	Add Lines 3 + 4 0	

Expenditures Made

6. Payments Made.....	Schedule E, Line 4 \$ 0
7. Loans Made.....	Schedule H, Line 3 0
8. SUBTOTAL CASH PAYMENTS.....	Add Lines 6 + 7 00
9. Accrued Expenses (Unpaid Bills).....	Schedule F, Line 3 0
10. Nonmonetary Adjustment.....	Schedule C, Line 3 0
11. TOTAL EXPENDITURES MADE.....	Add Lines 8 + 9 + 10 0

Current Cash Statement

12. Beginning Cash Balance.....	Previous Summary Page, Line 16 \$ 360.79
13. Cash Receipts.....	Column A, Line 3 above 0
14. Miscellaneous Increases to Cash.....	Schedule I, Line 4 0
15. Cash Payments.....	Column A, Line 8 above 360.79
16. ENDING CASH BALANCE.....	Add Lines 12 + 13 + 14, then subtract Line 15 \$ 0

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

17. LOAN GUARANTEES RECEIVED

17. LOAN GUARANTEES RECEIVED.....	Schedule B, Part 2 \$ 0
-----------------------------------	-------------------------

Cash Equivalents and Outstanding Debts

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

Expenditure Limit Summary for State Candidates

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

Date of Election (mm/dd/yy)	Total to Date
____/____/____	\$ _____
____/____/____	\$ _____

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

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

Schedule E Payments Made

Amounts may be rounded
to whole dollars.

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER

Thomas Benson

Statement covers period
from January 1, 2018
through FINAL

Page _____ of _____

I.D. NUMBER
F1374453

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

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

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Rotary Club of Signal Hill			Contribution to Rotary International, Paul Harris Society	360.79
SUBTOTAL \$				360.79

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

Schedule E Summary

- Itemized payments made this period. (Include all Schedule E subtotals.) \$ 360.79
- Unitemized payments made this period of under \$100 \$ 0
- Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) \$ 0
- Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) **TOTAL \$ 360.79**

Exhibit A-14

**Statement of Organization
Recipient Committee**

Statement Type Initial

Not yet qualified
or

Date qualified as committee

Amendment

Termination -- See Part 5

Date qualified as committee _____ / _____ / _____
Date of termination _____ / _____ / _____

1. Committee Information

I.D. Number
(if applicable)

F1374453

2. Treasurer and Other Principal Officers

NAME OF COMMITTEE

Thomas Benson for Signal Hill City Council/2017

NAME OF TREASURER

THOMAS BENSON

STREET ADDRESS (NO P.O. BOX)

2155 TEMPLE AVE CA 90755 5622348290

AREA CODE/PHONE

ZIP CODE

STATE

SIGNAL HILL CA 90755 5622348290

CITY

STATE

AREA CODE/PHONE

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS (IF DIFFERENT)

STREET ADDRESS (NO P.O. BOX)

E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

COUNTY OF DOMICILE

JURISDICTION WHERE COMMITTEE IS ACTIVE

NAME OF PRINCIPAL OFFICER(S)

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

Attach additional information on appropriately labeled continuation sheets.

3. Verification

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

Executed on May 12, 2019 By Thomas Benson

DATE

SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on _____ By _____

DATE

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROponent

Executed on _____ By _____

DATE

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROponent

Executed on _____ By _____

DATE

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROponent

CITY OF SIGNAL HILL
MAY 14 19 PM 2018
Date Stamp

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

Page 3

I.D. NUMBER

COMMITTEE NAME

4. Type of Committee (Continued)

General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:
 CITY Committee COUNTY Committee STATE Committee Political Party/Central Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

AREA CODE/PHONE

Small Contributor Committee

_____ / _____ / _____
Date qualified

5. Termination Requirements

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

- This committee has ceased to receive contributions and make expenditures;
 - This committee does not anticipate receiving contributions or making expenditures in the future;
 - This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
 - This committee has no surplus funds; and
 - This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
- There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.

-- Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

Clear Page

Print

B19 1374453

Statement of Organization Recipient Committee

Statement Type [] Initial [] Not yet qualified or [] Date qualified as committee [] Amendment [X] Termination - See Part 5

Date qualified as committee / / Date of termination / /

CALIFORNIA FORM 410 For Official Use Only

RECEIVED AND FILED in the office of the Secretary of State of the State of California

MAY 28 2019

1. Committee Information

I.D. Number (if applicable) F1374453

2. Treasurer and Other Principal Officers

NAME OF COMMITTEE: THOMAS BENSON FOR SIGNAL HILL CITY COUNCIL 2017
NAME OF TREASURER: THOMAS BENSON
STREET ADDRESS (NO P.O. BOX): 2155 TEMPLE AVENUE
CITY: SIGNAL HILL CA 90755
STATE: CA ZIP CODE: 90755 AREA CODE/PHONE: 562 234 8290

E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)

COUNTY OF DOMICILE JURISDICTION WHERE COMMITTEE IS ACTIVE

Attach additional information on appropriately labeled continuation sheets.

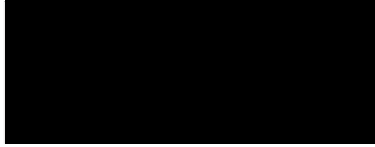
3. Verification

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

Executed on May 12, 2019 By Thomas Benson
SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROponent

Exhibit A-15

Thomas Benson



May 12, 2019

Ms. Kimberly Boles
City of Signal Hill
2175 Cherry Avenue
Signal Hill, CA 90755

Kim,

I want to personally thank you and apologize for the unnecessary confusion that has been created. Your follow through has been flawless, I failed to file the proper paperwork correctly and thought that this had been completed.

There has been no activity in my political campaign since March 2017. I believe this will conclude all proper filing paperwork.

Again, I thank you for your follow up and all you do for the City of Signal Hill.

Sincerely,

A handwritten signature in cursive script that reads "Tom", written over a horizontal line.

Thomas Benson



Exhibit A-16



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

May 3, 2021

Thomas Benson
Thomas Benson for Signal Hill City Council 2017

NOTICE OF DEFAULT DECISION AND ORDER

Re: FPPC No. 2018/00171, In the Matter of Thomas Benson for Signal Hill City Council 2017 and Thomas Benson

Dear Mr. Benson:

On August 28, 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.**¹

The Fair Political Practices Commission (the “Commission”) will proceed with a default, decision and order (“default”) against you. The initial notice of this default will appear on the published agenda for the Commission’s public meeting on June 17, 2021. 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 July 15, 2021 and impose an administrative penalty of \$9,000 against you.

Following the issuance of the default, the Commission will obtain a judgment in superior court for the amount owed and then take action to collect the judgment. Please be advised that administrative penalties for violations of the Political Reform Act cannot be discharged in bankruptcy proceedings.

You may still resolve this matter informally by way of a stipulated settlement if an agreement can be reached prior to this matter appearing for consideration by the Commission. Please contact me at (916) 323-6421 or tgilbertson@fppc.ca.gov if you wish to enter into a settlement to resolve this matter in its entirety.

Sincerely,

Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

¹ Government Code Section 11505.

Exhibit A-17



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

July 6, 2021

Thomas Benson
Thomas Benson for Signal Hill City Council 2017

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

Re: FPPC No. 2018/00171, In the Matter of Thomas Benson for Signal Hill City Council 2017 and Thomas Benson

Dear Mr. Benson:

On August 28, 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.**¹

The Fair Political Practices Commission (the “Commission”) will proceed with a default, decision and order (“default”) against you. The initial notice of this default appeared on the published agenda for the Commission’s public meeting on June 17, 2021. The Commission will be asked to adopt the default at its public meeting scheduled for September 16, 2021 and impose an administrative penalty of \$9,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on September 16, 2021 is enclosed with this letter.

You may, but you are not required to, provide a response brief, along with any supporting materials, no later than five calendar days before the Commission hearing at which the default is scheduled to be heard. Your response brief must be served on the Commission Assistant, at the above address.

Following the issuance of the default order and imposition of the administrative penalty, we will commence legal proceedings to collect this fine, which may include converting the Commission’s order to a court judgment. Please be advised that administrative penalties for violations of the Political Reform Act cannot be discharged in bankruptcy proceedings.

¹ Government Code Section 11505.

This letter is your last opportunity to resolve this matter informally by way of a stipulated settlement, before the default proceedings are commenced. If we do not reach a resolution, the enclosed documents will be placed on the Commission's agenda for the September 16, 2021 meeting. Please contact me at (916) 323-6421 or tgilbertson@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,



Theresa Gilbertson
Senior Commission Counsel
Enforcement Division