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7 Enforcement Division of the Fair Political Practices Commission

8  
9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

10 STATE OF CALIFORNIA

11 In the Matter of ) FPPC No.: 2018-00005  
12 )  
13 FRIENDS OF H. FANGARY FOR )  
HERMOSA BEACH CITY COUNCIL )  
14 2013, H. S. FANGARY FOR CITY )  
COUNCIL 2017, DINA FANGARY, )  
15 AND HANY S. FANGARY, )  
(Government Code Sections 11506  
and 11520)  
16 Respondents. )

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

21 Pursuant to the California Administrative Procedure Act,<sup>1</sup> Friends of H. Fangary for Hermosa  
22 Beach City Council 2013 (“2013 Committee”), H. S. Fangary for City Council 2017 (“2017 Committee”),  
23 Dina Fangary (“D. Fangary”), and Hany S. Fangary (“Fangary”) have been served with all of the  
24 documents necessary to conduct an administrative hearing regarding the above-captioned matter,  
including the following:

- 25 1. An Order Finding Probable Cause;  
26 2. An Accusation;  
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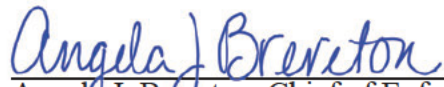
28 <sup>1</sup> The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code.

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

Government Code Section 11506 provides that failure of a respondent to file a Notice of Defense within fifteen days after being served with an Accusation shall constitute a waiver of respondent's right to a hearing on the merits of the Accusation. The Statement to Respondent, served on the 2013 Committee, the 2017 Committee, D. Fangary, and Fangary, stated that a Notice of Defense must be filed in order to request a hearing. The 2013 Committee, the 2017 Committee, D. Fangary, and Fangary 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 2013 Committee, the 2017 Committee, D. Fangary, and Fangary 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: 03/28/2022

  
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Angela J. Brejton, 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 Friends of H. Fangary for Hermosa Beach City Council 2013, Dina Fangary, and Hany S. Fangary and \$15,000 upon H. S. Fangary for City Council 2017, Dina Fangary, and Hany S. Fangary, payable to the "General Fund of the State of California."

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

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

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6 Richard C. Miadich, Chair  
7 Fair Political Practices Commission  
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## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Hany S. Fangary (“Fangary”) was a member of the Hermosa Beach City Council having first been elected in 2013 and was re-elected in 2017. He resigned from office on or around January 4, 2021. Fangary is the controlling candidate of two recipient committees, Friends of H. Fangary for Hermosa Beach City Council 2013 (“2013 Committee”) and H. S. Fangary for City Council 2017 (“2017 Committee”). Dina Fangary (“D. Fangary”) is the treasurer of record at all relevant times for both committees.

The Political Reform Act (the “Act”)<sup>1</sup> requires recipient committees to timely file pre-election and semi-annual campaign statements. The Act also requires committees to make all expenditures out of and deposit all contributions into one designated campaign bank account. Under the Act, candidates and committees are required to include the name, street address, and city of the candidate or committee on the outside of each piece of a mass mailing.

This matter arose out of a sworn complaint filed with the Fair Political Practices Commission’s (the “Commission”) Enforcement Division.

As a controlled committee, its candidate, and its treasurer, the 2013 Committee, Fangary, and D. Fangary failed to timely file two pre-election campaign statements and seven semi-annual campaign statements. As a controlled committee, its candidate, and its treasurer, the 2017 Committee, Fangary, and D. Fangary failed to timely file one pre-election campaign statement and six semi-annual campaign statements. The 2017 Committee, Fangary, and D. Fangary also failed to utilize a single, designated campaign bank account and failed to include complete disclosure on a mass mailing.

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

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

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<sup>1</sup> 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.

<sup>2</sup> Section 83116.

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

<sup>4</sup> Section 11503.



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

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

## PROCEDURAL REQUIREMENTS AND HISTORY

### A. Initiation of the Administrative Action

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

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

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

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

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

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

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

<sup>9</sup> Section 83115.5.

<sup>10</sup> Section 83115.5.

<sup>11</sup> Section 91000.5.

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

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary in this matter by serving them with a Report in Support of a Finding of Probable Cause (the “Report”) (Certification, Exhibit A-1) by personal service or certified mail.<sup>12</sup> D. Fangary was served with the Report, individually and on behalf of the 2013 Committee and the 2017 Committee, by certified mail on or about February 16, 2021. Fangary was served with the Report, individually and on behalf of the 2013 Committee and the 2017 Committee, via personal service on March 13, 2021. (Certification, Exhibit A-2.) The administrative action commenced on March 13, 2021, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary contained a cover letter and a memorandum describing probable cause proceedings, advising that the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary had 21 days in which to request a probable cause conference, file a written response to the PC Report, or both. (Certification, Exhibit A-3.) The 2013 Committee, the 2017 Committee, Fangary, and D. Fangary 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 2013 Committee, the 2017 Committee, Fangary, and D. Fangary 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 April 8, 2021. (Certification, Exhibit A-4.)

On April 14, 2021, the Hearing Officer, Legal Division, John M. Feser Jr., issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary. (Certification, Exhibit A-5.)

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

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

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<sup>12</sup> Section 83115.5.

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

Section 11503 states:

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

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

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

On August 2, 2021, the Commission's Chief of Enforcement, Angela J. Brereton, issued an Accusation against the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary. (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 2013 Committee, the 2017 Committee, Fangary, and D. Fangary by personal service on August 4, 2021 and August 14, 2021. (Certification, Exhibit A-7.)

Along with the Accusation, the Enforcement Division served the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary 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

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

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

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

to a hearing. (Certification, Exhibit A-8.) The 2013 Committee, the 2017 Committee, Fangary, and D. Fangary did not file a Notice of Defense within the statutory time period, which ended on August 29, 2021.

As a result, on February 24, 2022, the Enforcement Division sent a letter to the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary advising that this matter would be submitted as prenotice of a Default Decision and Order at the Commission's public meeting scheduled for March. (Certification, Exhibit A-21.)

On March 24, 2022, the Enforcement Division sent another letter to the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for April 20, 2022. (Certification, Exhibit A-22.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

### SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. The violations in this case occurred between 2017 and 2020. For this reason, all legal references and discussions of law pertain to the Act's provisions as they existed at that time.

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

Under the Act, a "committee" includes any person or combination of persons who receive contributions totaling \$2,000 or more in a calendar year.<sup>19</sup> Prior to 2016, the amount to qualify as a committee was \$1,000.<sup>20</sup> This type of committee is commonly referred to as a "recipient committee." A recipient committee controlled by a candidate is called a controlled committee.

A committee must file semi-annual campaign statements beginning in the period in which the committee qualified and continuing until the committee terminates.<sup>21</sup> A committee must file a semi-annual statement by January 31 for the period ending December 31 of the previous year, and by July 31 for the period ending June 30.<sup>22</sup>

The Act requires candidates appearing on the ballot at the next election and their controlled committees to file pre-election campaign statements.<sup>23</sup> A committee must file a first pre-election

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

<sup>18</sup> Section 84200, *et seq.*

<sup>19</sup> Section 82013, subd. (a).

<sup>20</sup> Section 82013, subd. (a) (2011-2015).

<sup>21</sup> Section 84200, subd. (a).

<sup>22</sup> Section 84200.

<sup>23</sup> Section 84200.5, subd. (a)(1).

campaign statement no later than 40 days before the election for the reporting period ending 45 days before the election. A committee must file a second pre-election statement no later than 12 days before the election for the reporting period ending 17 days before the election.<sup>24</sup>

In connection with the November 7, 2017 General Election, the first pre-election campaign statement was due by September 28, 2017 and covered the reporting period of July 1, 2017 through September 23, 2017. The second pre-election campaign statement was due by October 26, 2017 and covered the reporting period of September 24, 2017 through October 21, 2017. If a person has not previously filed a campaign statement, the period covered begins on January 1.<sup>25</sup>

If a candidate controls more than one committee, they are required to file campaign statements for each controlled committee on the dates the candidate or elected official is required to file statements in connection with the office sought.<sup>26</sup>

Upon the filing of a candidate statement of intention, the candidate must establish one campaign contribution account at an office of a financial institution located in the state.<sup>27</sup> All contributions or loans made to the candidate must be deposited in the account.<sup>28</sup> Any personal funds which will be utilized to promote the election of the candidate must first be deposited in the account prior to expenditure.<sup>29</sup> All campaign expenditures must be made from the account.<sup>30</sup>

A “mass mailing” is defined by the Act to mean over two hundred substantially similar pieces of mail.<sup>31</sup> Candidates and committees are required to include the name, street address, and city of the candidate or committee on the outside of each piece of a mass mailing.<sup>32</sup>

## SUMMARY OF THE EVIDENCE

Fangary ran unsuccessfully for Hermosa Beach City Council in 2011. He was successful in his run for the same office in 2013 and was re-elected during the November 7, 2017 election. Fangary resigned from office as of January 4, 2021.

The Enforcement Division’s investigation involved both the 2013 and 2017 Committee, as both committees were found to have failed to timely file campaign statements. To date, the 2013 Committee, 2017 Committee, Fangary, and D. Fangary have failed to bring either committee into compliance in regard to the delinquent campaign statements. Both Respondent committees remain open but have failed to file disclosure statements since 2017.

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<sup>24</sup> Section 84200.8.

<sup>25</sup> Section 82046, subd. (b).

<sup>26</sup> Regulation 18405, subd. (a).

<sup>27</sup> Section 85201, subd. (a).

<sup>28</sup> Section 85201, subd. (c).

<sup>29</sup> Section 85201, subd. (d).

<sup>30</sup> Section 85201, subd. (e).

<sup>31</sup> Section 82041.5.

<sup>32</sup> Section 84305.

## 2013 Committee

Fangary filed a statement of organization with the Secretary of State (“SOS”) on August 5, 2011 for the committee, Friends of H. Fangary for Hermosa Beach City Council 2011. (Certification, Exhibit A-9.) The SOS assigned the committee the identification number, 1340442.

After Fangary was unsuccessful at the 2011 election, Fangary filed an amendment to the statement of organization on February 2, 2012 and listed D. Fangary as the treasurer to replace a prior individual. (Certification, Exhibit A-10.) Fangary later re-designated the committee for the 2013 election by filing an amendment to the statement of organization on September 13, 2013, and he renamed the committee as appropriate. (Certification, Exhibit A-11.) The redesignated committee for the 2013 election is Respondent, the 2013 Committee.

The last campaign statement filed by the 2013 Committee was for the reporting period of July 1, 2016 through December 31, 2016 and reported that the 2013 Committee had a cash balance of \$11,317. (Certification, Exhibit A-12.) No subsequent statements have been filed.

According to bank records obtained pursuant to this investigation, the 2013 Committee continues to have funds available. As of February 28, 2018, the 2013 Committee had at least \$6,301 on deposit. (Certification, Exhibit A-13.) The final disposition of these funds is unknown.

As Fangary has failed to terminate this committee, the 2013 Committee continues to have a filing obligation. When the controlling candidate, Fangary, is on the ballot, the 2013 Committee has a duty to timely file pre-election campaign statements. At all other times, the 2013 Committee has a duty to timely file semi-annual campaign statements. In total, the 2013 Committee has failed to timely file the following campaign statements, within the last five years:

Type	Reporting Period	Date Due
Semi-Annual	01/01/2017 to 06/30/2017	07/31/2017
Pre-Election	07/01/2017 to 09/23/2017	09/28/2017
Pre-Election	09/24/2017 to 10/21/2017	10/26/2017
Semi-Annual	10/22/2017 to 12/31/2017	01/31/2018
Semi-Annual	01/01/2018 to 06/30/2018	07/31/2018
Semi-Annual	07/01/2018 to 12/31/2018	01/31/2019
Semi-Annual	01/01/2019 to 06/30/2019	07/31/2019
Semi-Annual	07/01/2019 to 12/31/2019	01/31/2020
Semi-Annual	01/01/2020 to 06/30/2020	07/31/2020

## 2017 Committee

Fangary filed a statement of organization with the SOS on August 14, 2017 for the committee, H. S. Fangary for City Council 2017, in connection with his 2017 re-election campaign for Hermosa Beach City Council. (Certification, Exhibit A-14.) The SOS assigned the committee



the identification number, 1398222. At that time, Fangary indicated that the committee had not yet qualified. An amendment to the statement of organization was filed with the SOS on October 26, 2017, indicating a qualification date of August 30, 2017 and providing the information to locate the campaign bank account. (Certification, Exhibit A-15.)

The 2017 Committee failed to timely file the first pre-election campaign statement. The statement, due on September 28, 2017, was not filed until October 19, 2017. (Certification, Exhibit A-16.) The second pre-election statement was timely filed. (Certification, Exhibit A-17.) However, after this statement, no other campaign statement has been filed for this committee.

The last filed campaign statement reported a cash balance of \$4,330. According to bank records obtained pursuant to this investigation, the 2017 Committee continues to have funds available. As of February 28, 2018, the 2017 Committee had at least \$4,895 on deposit. (Certification, Exhibit A-18.) The final disposition of these funds is unknown.

As Fangary has failed to terminate this committee, the 2017 Committee continues to have a filing obligation. The 2017 Committee has a duty to timely file semi-annual campaign statements. In total, the 2017 Committee has failed to timely file the following campaign statements:

Type	Reporting Period	Date Due
Semi-Annual	10/22/2017 to 12/31/2017	01/31/2018
Semi-Annual	01/01/2018 to 06/30/2018	07/31/2018
Semi-Annual	07/01/2018 to 12/31/2018	01/31/2019
Semi-Annual	01/01/2019 to 06/30/2019	07/31/2019
Semi-Annual	07/01/2019 to 12/31/2019	01/31/2020
Semi-Annual	01/01/2020 to 06/30/2020	07/31/2020

In addition to late filing, the Enforcement Division determined that the 2017 Committee failed to utilize a designated campaign bank account for the deposit of all contributions and for all expenditures. Campaign statements reported a number of contributions and payments that were not made through the campaign bank account. Fangary provided some records from his personal PayPal account to verify what he had reported on the first two pre-election statements. The records provided were incomplete to fully substantiate activity that was reported on campaign statements.

In a statement to the investigator, Fangary acknowledged that campaign funds were commingled with his personal funds. (Certification, Exhibit A-19.) He indicated to the investigator which transactions were personal and which were campaign by highlighting and marking source documents.

The Enforcement Division determined that a mass mailing paid for by the 2017 Committee included the disclosure statement, "Paid for by H.S. Fangary for City Council 2017, FPPC ID#1398222" but lacked the required street address and city for the committee. (Certification,

Exhibit A-20.) Fangary received notice of this deficiency in disclosure on or around October 16, 2017 after a sworn complaint was filed. Subsequent mass mailings had the correct disclosure.

### Summary of Contact

The Enforcement Division contacted the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary multiple times regarding the investigation and possible settlement. The Enforcement Division also contacted Lawrence Fox, Campaign Manager, multiple times regarding the investigation. At various points, Fangary engaged in the process but ultimately failed to bring the 2013 Committee and the 2017 Committee into compliance.

Overall, the Enforcement Division contacted the Respondents and Lawrence Fox approximately fifty times throughout this case, as follows:

- January 5, 2018: email from the Enforcement Division to Fangary
- February 1, 2018: email and letter from the Enforcement Division to Fangary and D. Fangary
- February 7, 2018: phone call from the Enforcement Division; emails between the Enforcement Division and Fangary
- February 27, 2018: emails between the Enforcement Division and Fangary
- February 28, 2018: email from the Enforcement Division to Fangary
- March 2, 2018: email from Fangary
- March 6, 2018: emails between the Enforcement Division and Fangary
- March 7, 2018: voicemail from the Enforcement Division; email from the Enforcement Division to Fangary
- March 8, 2018: voicemail from the Enforcement Division; email from the Enforcement Division to Fangary
- March 9, 2018: emails between the Enforcement Division and Fangary
- March 14, 2018: email from Fangary
- March 15, 2018: email from the Enforcement Division to Fangary
- March 31, 2018: email from Fangary
- April 2, 2018: email from the Enforcement Division to Fangary
- April 16, 2018: emails from the Enforcement Division to Fangary
- April 18, 2018: email from the Enforcement Division to Fangary
- April 19, 2018: email from Fangary
- April 20, 2018: email from the Enforcement Division to Fox
- April 20, 2018: emails between the Enforcement Division and Fangary
- April 23, 2018: email from the Enforcement Division to Fangary
- April 25, 2018: emails between the Enforcement Division and Fox
- April 26, 2018: email from Fangary
- April 27, 2018: email from the Enforcement Division to Fangary
- April 30, 2018: email from Fox
- May 2, 2018: email from the Enforcement Division to Fox
- May 3, 2018: phone call from Fox



- May 8, 2018: emails between the Enforcement Division and Fox
- May 11, 2018: emails between the Enforcement Division and Fox
- May 14, 2018: emails between the Enforcement Division and Fox
- June 22, 2018: email from the Enforcement Division to Fox
- June 25, 2018: email from Fox
- June 27, 2018: phone call from Fox
- June 28, 2018: emails between the Enforcement Division and Fox
- June 29, 2018: emails between the Enforcement Division and Fox
- July 3, 2018: email from the Enforcement Division to Fox
- July 4, 2018: email from Fox
- July 5, 2018: email from the Enforcement Division to Fox
- July 6, 2018: emails between the Enforcement Division and Fox
- July 7, 2018: email from Fox
- July 9, 2018: emails between the Enforcement Division and Fox
- April 10, 2020: email from the Enforcement Division to Fangary
- April 27, 2020: email from the Enforcement Division to Fangary
- April 29, 2020: emails between the Enforcement Division and Fangary
- May 6, 2020: email from the Enforcement Division to Fangary
- June 12, 2020: email from the Enforcement Division to Fangary
- December 21, 2020: email and voicemail from Fangary
- December 23, 2020: email from the Enforcement Division to Fangary
- January 27, 2021: email from the Enforcement Division to Fangary
- February 16, 2021: Report in Support of Probable Cause served on D. Fangary, individually and on behalf of the 2013 Committee and the 2017 Committee
- March 13, 2021: Report in Support of Probable Cause served on Fangary, individually and on behalf of the 2013 Committee and the 2017 Committee
- April 8, 2021: copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed to Fangary and D. Fangary
- April 21, 2021: email from the Enforcement Division to Fangary
- May 3, 2021: phone call from the Enforcement Division to Fangary
- May 3, 2021: emails between the Enforcement Division and Fangary
- June 1, 2021: email from the Enforcement Division to Fangary
- August 2, 2021: email from the Enforcement Division to Fangary
- August 4, 2021: Accusation served on D. Fangary, individually and on behalf of the 2013 Committee and the 2017 Committee
- August 14, 2021: Accusation served on Fangary, individually and on behalf of the 2013 Committee and the 2017 Committee
- September 20, 2021: email from the Enforcement Division to Fangary
- February 8, 2022: email regarding the Intent to submit this matter for a Default, Decision and Order.
- February 24, 2022: letter to the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary informing them that a Default, Decision, and Order would appear on the agenda for the March 2022 Commission meeting as a notice item

- March 24, 2022: Notice of Intent to Enter Default Decision and Order to the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary informing them that the Default Decision and Order would be presented at the April 20, 2022 Commission meeting for Commission action

## **VIOLATIONS**

The 2013 Committee, Fangary, and D. Fangary committed three violations of the Act and the 2017 Committee, Fangary, and D. Fangary committed four violations of the Act as follows:

### **As to 2013 Committee, Fangary, and D. Fangary**

#### **COUNT 1**

##### **Failure to Timely File Semi-Annual Campaign Statements**

The 2013 Committee, Fangary, and D. Fangary had a duty to timely file a semi-annual campaign statements for the following reporting periods: of January 1, 2017 through June 30, 2017, due on July 31, 2017; October 22, 2017 through December 31, 2017, due on January 31, 2018; January 1, 2018 through June 30, 2018, due on July 31, 2018; July 1, 2018 through December 31, 2018, due on January 31, 2019; January 1, 2019 through June 30, 2019, due on July 31, 2019; July 1, 2019 through December 31, 2019, due on January 31, 2020; January 1, 2020 through June 30, 2020, due on July 31, 2020. By failing to file the semi-annual campaign statements by their respective deadlines, the 2013 Committee, Fangary, and D. Fangary violated Government Code Section 84200.

#### **COUNT 2**

##### **Failure to Timely File a Pre-Election Campaign Statement**

The 2013 Committee, Fangary, and D. Fangary had a duty to timely file a pre-election campaign statement for the reporting period of July 1, 2017 through September 23, 2017, due on September 28, 2017. By failing to file the pre-election campaign statement by September 28, 2017, the 2013 Committee, Fangary, and D. Fangary violated Government Code Sections 84200.5 and 84200.8.

#### **COUNT 3**

##### **Failure to Timely File a Pre-Election Campaign Statement**

The 2013 Committee, Fangary, and D. Fangary had a duty to timely file a pre-election campaign statement for the reporting period of September 24, 2017 through October 21, 2017, due on October 26, 2017. By failing to file the pre-election campaign statement by October 26, 2017, the 2013 Committee, Fangary, and D. Fangary violated Government Code Sections 84200.5 and 84200.8.

**As to 2017 Committee, Fangary, and D. Fangary**

COUNT 4

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

The 2017 Committee, Fangary, and D. Fangary had a duty to timely file a pre-election campaign statement for the reporting period of January 1, 2017 through September 23, 2017, due on September 28, 2017. By failing to file the pre-election campaign statement by September 28, 2017, the 2017 Committee, Fangary, and D. Fangary violated Government Code Sections 84200.5 and 84200.8.

COUNT 5

**Failure to Timely File Semi-Annual Campaign Statements**

The 2017 Committee, Fangary, and D. Fangary had a duty to timely file semi-annual campaign statements for the following reporting periods: October 22, 2017 through December 31, 2017, due on January 31, 2018; January 1, 2018 through June 30, 2018, due on July 31, 2018; July 1, 2018 through December 31, 2018, due on January 31, 2019; January 1, 2019 through June 30, 2019, due on July 31, 2019; July 1, 2019 through December 31, 2019, due on January 31, 2020; January 1, 2020 through June 30, 2020, due on July 31, 2020. By failing to file the semi-annual campaign statements by their respective deadlines, the 2017 Committee, Fangary, and D. Fangary violated Government Code Section 84200.

COUNT 6

**Failure to Utilize a Single, Designated Campaign Bank Account**

The 2017 Committee, Fangary, and D. Fangary had a duty to utilize a single, designated campaign bank account for all contributions and all deposits. By failing to utilize a single, designated campaign bank account for all contributions and all deposits, the 2017 Committee, Fangary, and D. Fangary violated Government Code Section 85201.

COUNT 7

**Failure to Include Complete Disclosure on a Mass Mailing**

The 2017 Committee, Fangary, and D. Fangary had a duty to include the street address and city of the responsible committee on a mass mailing. By failing to include the address of the responsible committee on the mass mailing, the 2017 Committee, Fangary, and D. Fangary violated Government Code Section 84305.

## CONCLUSION

This matter consists of 7 counts of violating the Act, which carry a maximum total administrative penalty of \$35,000.<sup>33</sup>

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors set forth in Regulation 18361.5 subdivision (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 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.<sup>34</sup>

In this matter, the 2013 Committee, Fangary, and D. Fangary failed to timely file two pre-election campaign statements and seven semi-annual campaign statements. The 2013 Committee could have been terminated or redesignated for the subsequent election. Instead, by failing to terminate and failing to file statements, there was no disclosure regarding the activity of that committee during the subsequent election or when Fangary was in office. In mitigation, there was no activity at least through February 2018. The 2017 Committee, Fangary, and D. Fangary failed to timely file one pre-election campaign statement and six semi-annual campaign statements. The 2017 Committee, Fangary, and D. Fangary also failed to utilize a single, designated campaign bank account and failed to include complete disclosure on a mass mailing.

The failure to comply with campaign filing obligations resulted in a lack of complete and accurate information for the voting public regarding Fangary and his committees' campaign activity before and after the November 7, 2017 General Election.

The public harm in failing to utilize a single, designated campaign bank account is that it impedes the ability of the Act to be enforced. The use of a single, designated campaign bank account ensures that campaign statements can be more easily substantiated with records and source documents. In addition, the use of a designated campaign bank account ensures that all contributions and all expenditures are properly accounted for and timely reported.

Failure to include proper and complete disclosure on advertisements is also considered to be a serious violation. However, in this case, the disclosure included the name of the committee and the committee's ID number. The disclosure was incomplete as it lacked the address of the

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<sup>33</sup> Section 83116, subd. (c).

<sup>34</sup> Regulation 18361.5, subd. (e).

committee. This is a violation, but one that likely resulted in minimal public harm. Additionally, after Fangary received notice of the lack of the committee address on the mass mailing in question, all subsequent mass mailings included the correct and proper disclosure.

Fangary is an experienced candidate and filer as he was elected in 2013 and re-elected in 2017. He was or should have been aware of the campaign filing obligations and the requirement to open and use a single, designated campaign bank account. The Enforcement Division did not find any evidence that the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary 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. Previously, Fangary and D. Fangary agreed to a streamline stipulation in 2014 for failing to file two pre-election campaign statements in connection with the 2013 General Election.

Respondents were generally cooperative in the investigation and provided some, although not all, records, to support reporting, including records related to the transactions that occurred outside the designated campaign bank account. There is no evidence to suggest that Respondents consulted with Commission staff or any other governmental agency. However, to date, the 2013 Committee, the 2017 Committee, Fangary, and D. Fangary have failed to file the outstanding campaign statements despite multiple requests for compliance.

Fangary is no longer in office.

Based on the campaign statements filed and on evidence gathered as part of the investigation, the Enforcement Division believes that the violations described herein would qualify for the streamline settlement program, indicating that there was low public harm.

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

#### Counts 1 and 5

- *In the Matter of Yarbrough for Val Verde School Board 2014 and D. Shelly Yarbrough*, FPPC No. 16/117. (The Commission approved a default decision on February 18, 2021.) The respondents, among other violations, failed to timely file seven semi-annual campaign statements. The Commission imposed a penalty of \$3,000 per count.

Like Yarbrough, Fangary is an experienced candidate and filer, he is no longer in office, and he has a history of violating the Act. Also, like Yarbrough, Fangary failed to file the outstanding statements. The final disposition of the Committee's funds and whether Fangary raised additional funds after the election is unknown as there has been no disclosure. Here, multiple failures to file semi-annual campaign statements have been combined into a single count. To date, the Respondents have failed to bring the committees into compliance with the Act's disclosure requirements. Therefore, a penalty of \$5,000 is recommended.

#### Counts 2-3 and Count 4

- *In the Matter of Eric Payne and Eric Payne for SCCCD 2016 Trustee Area 2*; FPPC No. 16/19917. (The Commission approved a default decision on June 13, 2019.) The respondents, among other violations, failed to timely file two pre-election campaign statements; however, they provided some disclosure before the relevant election. The Commission imposed a penalty of \$3,000 per count.

Here, the 2013 Committee, Fangary, and D. Fangary failed to file two pre-election campaign statements and to date, the statements have not been filed. According to the 2013 Committee bank account records, the 2013 Committee was not active during the pre-election reporting periods. Therefore, a lower penalty of \$2,000 is recommended for Counts 2 and 3.

The 2017 Committee, Fangary, and D. Fangary failed to timely file one pre-election campaign statement, but the statement was filed before the relevant election. However, at this time, Fangary had recently paid a penalty for the same violation with respect to the 2013 Committee. In mitigation, Fangary filed the second pre-election statement timely. Therefore, a similar penalty of \$3,000 is warranted.

#### Count 6

- *In the Matter of Committee to Elect Dr. Kumar 4 BOS CCC District 4 - 2018, Committee to Elect Dr. Kumar for Assembly (District 14) 2016, Harmesh Kumar, and Alex Cardoso*; FPPC Nos. 18/590 and 18/777. (The Commission approved a stipulated decision on January 21, 2021.) The respondents, among other violations, failed to deposit approximately \$8,682 into the campaign bank account. The candidate utilized his personal funds to make payments and accepted cash contributions as reimbursement, without depositing funds into the account first and without keeping documentation. The Commission approved a penalty of \$3,000.

Fangary admitted to campaign activity outside of the designated campaign bank account. As this is a default decision, as opposed to the stipulated decision discussed above, a higher penalty is justified. A penalty of \$4,000 is recommended.

#### Count 7

- *In the Matter of The Committee for Yes on Measure V Sponsored by the Mountain View Tenants Coalition, Steve Chandler, and Mitchell Oster*; FPPC No. 17/1081. (The Commission approved a stipulated decision on November 19, 2020.) The respondents, among other violations, failed to include the Committee's street address and city on two mass mailings. The first mass mailer properly included the Committee's name. The second mass mailer included an extended version of the Committee's name and failed to include the "paid for by" language. The Commission approved a penalty of \$2,500.



Here, the 2017 Committee, Fangary, and D. Fangary included the “paid for by” language and the committee name but failed to include the street address and city on one mass mailer. This caused a lower level of public harm as the mailer clearly indicated who paid for the mailer. On subsequent mailings, the disclosure was compliant with the Act. As this is a default, as opposed to the stipulated decision discussed above, a higher penalty is justified. A penalty of \$3,000 is recommended.

**PROPOSED PENALTY**

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a total penalty of **\$24,000** is proposed. The following tables breaks down the recommended penalty by violation type:

<b>Counts</b>	<b>Violations: 2013 Committee, Fangary, and D. Fangary</b>	<b>Proposed Penalty per Count</b>
1	Failure to Timely File Semi-Annual Campaign Statements	\$5,000
2-3	Failure to Timely File a Pre-Election Campaign Statement	\$2,000
	<b>Total for 2013 Committee:</b>	<b>\$9,000</b>
<b>Counts</b>	<b>Violations: 2017 Committee, Fangary, and D. Fangary</b>	<b>Proposed Penalty per Count</b>
4	Failure to Timely File a Pre-Election Campaign Statement	\$3,000
5	Failure to Timely File Semi-Annual Campaign Statements	\$5,000
6	Failure to Utilize a Single, Designated Campaign Bank Account	\$4,000
7	Failure to Include Complete Disclosure on a Mass Mailing	\$3,000
	<b>Total for 2017 Committee:</b>	<b>\$15,000</b>
	<b>Total:</b>	<b>\$24,000</b>

**Exhibit A-1**



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Chief of Enforcement  
2 THERESA GILBERTSON  
Senior Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
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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

12  
13 FRIENDS OF H. FANGARY FOR  
HERMOSA BEACH CITY COUNCIL  
14 2013, H. S. FANGARY FOR CITY  
COUNCIL 2017, DINA FANGARY,  
15 AND HANY S. FANGARY,

))FPPC No. 2018-00005

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

))Conference Date: TBA

))Conference Time: TBA

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

16  
17 Respondents.

18 **INTRODUCTION**

19 Hany S. Fangary (“Fangary”) is a member of the Hermosa Beach City Council. He is the  
20 controlling candidate of two recipient committees, Friends of H. Fangary for Hermosa Beach City  
21 Council 2013 (“2013 Committee”) and H. S. Fangary for City Council 2017 (“2017 Committee”). Dina  
22 Fangary (“D. Fangary”) is the treasurer of record at all relevant times.

23 The Enforcement Division’s investigation determined that the 2013 Committee, Fangary, and D.  
24 Fangary violated the Political Reform Act (“The Act”)<sup>1</sup> by failing to timely file campaign statements.

25  
26 <sup>1</sup> The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code  
sections 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices

1 The investigation also determined that the 2017 Committee, Fangary, and D. Fangary violated the Act  
2 by failing to timely file campaign statements, failing to utilize a single, designated campaign bank  
3 account, and by failing to include an address on the disclosure statement for a mass mailing.

#### 4 **SUMMARY OF THE LAW**

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

#### 9 Jurisdiction

10 The Fair Political Practices Commission (the “Commission”) has primary responsibility for the  
11 impartial, effective administration and implementation of the Act.<sup>2</sup> This includes enforcement through  
12 administrative prosecution.<sup>3</sup> However, before the Commission’s Enforcement Division may commence  
13 administrative prosecution by filing/serving an Accusation, a hearing officer (either the General Counsel  
14 of the Commission or another attorney in the Commission’s Legal Division) must determine whether  
15 there is probable cause that supports a reasonable belief or strong suspicion that one or more violations  
16 of the Act occurred.<sup>4</sup> Any finding of probable cause is required by law to be announced publicly, which  
17 includes the posting of a summary of the allegations on the Commission’s website.<sup>5</sup> After a finding of  
18 probable cause, the Commission may then hold a hearing to determine what violations have occurred—  
19 and levy an administrative penalty of up to \$5,000 for each violation.<sup>6</sup>

#### 20 Standard for Finding Probable Cause

21 For the hearing officer to make a finding of probable cause, it is only necessary that he or she be  
22 presented with evidence that sufficiently supports a reasonable belief or strong suspicion that the Act

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

25 <sup>2</sup> Section 83111.

26 <sup>3</sup> Section 83116.

27 <sup>4</sup> Sections 83115.5 and 83116; Regulations 18361, subd. (b), and 18361.4.

28 <sup>5</sup> Regulation 18361.4, subd. (g).

<sup>6</sup> Section 83116; Regulation 18361.4, subd. (g).

1 has been violated.<sup>7</sup> Probable cause may only be found if the Respondents were notified of the violations  
2 at least 21 days prior to the hearing officer’s consideration of the alleged violations.<sup>8</sup>

3 Contents of the Probable Cause Report

4 The probable cause report is required to contain a summary of the law and evidence that supports  
5 a finding of probable cause that each alleged violation of the Act has occurred, as well as a description  
6 of any exculpatory evidence indicating a violation alleged in the report did not occur. The evidence  
7 recited in the probable cause report may include hearsay.<sup>9</sup>

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

9 When enacting the Act, the people of California found and declared that previous laws regulating  
10 political practices suffered from inadequate enforcement by state and local authorities.<sup>10</sup> For this reason,  
11 the Act is to be construed liberally to accomplish its purposes.<sup>11</sup>

12 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in  
13 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper  
14 practices are inhibited.<sup>12</sup> Along these lines, the Act includes a comprehensive campaign reporting  
15 system.<sup>13</sup> Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act  
16 will be “vigorously enforced.”<sup>14</sup>

17 Definition of Committee

18 A “committee” includes any person or combination of persons who receive contributions totaling  
19 \$2,000 or more in a calendar year.<sup>15</sup> Prior to 2016, the amount to qualify as a committee was \$1,000.<sup>16</sup>

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

23 <sup>8</sup> Section 83115.5.

24 <sup>9</sup> Regulation 18361.4, subd. (b).

25 <sup>10</sup> Section 81001, subd. (h).

26 <sup>11</sup> Section 81003.

27 <sup>12</sup> Section 81002, subd. (a).

28 <sup>13</sup> Sections 84200, *et seq.*

<sup>14</sup> Section 81002, subd. (f).

<sup>15</sup> Section 82013, subd. (a).

<sup>16</sup> Section 82013, subd. (a) (2011-2015).

1 This type of committee is commonly referred to as a “recipient committee.” A recipient committee  
2 controlled by a candidate is called a controlled committee.

### 3 Mandatory Filing of Campaign Statements

4 At the core of the Act’s campaign reporting system is the requirement that committees file  
5 campaign statements and reports for certain reporting periods, by certain deadlines, and including certain  
6 information.<sup>17</sup> A committee must file semi-annual campaign statements beginning in the period in which  
7 the committee qualified and continuing until the committee terminates.<sup>19</sup> A committee must file a semi-  
8 annual statement by January 31 for the period ending December 31 of the previous year, and by July 31  
9 for the period ending June 30.<sup>20</sup> Whenever the deadline falls on a Saturday, Sunday or official state  
10 holiday, the filing deadline for a statement shall be extended to the next regular business day.<sup>21</sup>

### 11 Pre-election Campaign Statements

12 The Act requires candidates appearing on the ballot at the next election and their controlled  
13 committees to file pre-election campaign statements.<sup>18</sup> A committee must file a first pre-election  
14 campaign statement no later than 40 days before the election for the reporting period ending 45 days  
15 before the election. A committee must file a second pre-election statement no later than 12 days before  
16 the election for the reporting period ending 17 days before the election.<sup>15</sup>

17 In connection with the November 7, 2017 General Election, the first pre-election campaign  
18 statement was due by September 28, 2017 and covered the reporting period of July 1, 2017 through  
19 September 23, 2017. The second pre-election campaign statement was due by October 26, 2017 and  
20 covered the reporting period of September 24, 2017 through October 21, 2017. If a person has not  
21 previously filed a campaign statement, the period covered begins on January 1.”<sup>19</sup>

22 //

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23 <sup>17</sup> Sections 84200, *et seq.*

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

25 <sup>20</sup> Section 84200.

26 <sup>21</sup> Regulation 18116, subd. (a).

27 <sup>18</sup> Section 84200.5, subd. (a)(1).

28 <sup>15</sup> Sections 84200.8.

<sup>19</sup> Section 82046, subd. (b).

1 Multiple Candidate-Controlled Committees

2 If a candidate controls more than one committee, they are required to file campaign statements  
3 for each controlled committee on the dates the candidate or elected official is required to file statements  
4 in connection with the office sought.<sup>20</sup>

5 One Designated Campaign Bank Account

6 Upon the filing of a candidate statement of intention, the candidate must establish one campaign  
7 contribution account at an office of a financial institution located in the state.<sup>21</sup> All contributions or loans  
8 made to the candidate must be deposited in the account.<sup>22</sup> Any personal funds which will be utilized to  
9 promote the election of the candidate must first be deposited in the account prior to expenditure.<sup>23</sup> All  
10 campaign expenditures must be made from the account.<sup>24</sup>

11 Requirements for Mass Mailings

12 A “mass mailing” is defined by the Act to mean over two hundred substantially similar pieces of  
13 mail.<sup>25</sup> Candidates and committees are required to include the name, street address, and city of the  
14 candidate or committee on the outside of each piece of a mass mailing.<sup>26</sup>

15 Candidate and Treasurer Liability

16 Any person who has a filing or reporting obligation and who violates the Act shall be liable.<sup>27</sup>  
17 Under the Act, it is a duty of the candidate and the treasurer of a controlled committee to ensure that the  
18 committee complies with all the requirements of the Act concerning the receipt, expenditure, and  
19 reporting of funds.<sup>28</sup> The candidate and treasurer may be held jointly and severally liable, along with the  
20  
21

22 \_\_\_\_\_  
23 <sup>20</sup> Regulation 18405, subd. (a).

24 <sup>21</sup> Section 85201, subd. (a).

25 <sup>22</sup> Section 85201, subd. (c).

26 <sup>23</sup> Section 85201, subd. (d).

27 <sup>24</sup> Section 85201, subd. (e).

28 <sup>25</sup> Section 82041.5.

<sup>26</sup> Section 84305.

<sup>27</sup> Section 83116.5.

<sup>28</sup> Sections 81004, 84100, 84104, and 84213; Regulation 18427.

1 committee, for violations committed by the committee.<sup>29</sup> When the Commission determines a violation  
2 has occurred, the Commission may issue an order that the Respondent pay up to \$5,000 per violation.<sup>30</sup>

### 3 **SUMMARY OF THE EVIDENCE**

4 Fangary ran unsuccessfully for Hermosa Beach City Council in 2011. He was successful in his  
5 run for the same office in 2013 and was successfully re-elected during the November 7, 2017 election.  
6 Fangary is presently in office and will be up for re-election in 2022. The Enforcement Division's  
7 investigation involved both the 2013 and 2017 Committee, as both Committees were found to have failed  
8 to timely file campaign statements. To date, the 2013 Committee, 2017 Committee, Fangary, and D.  
9 Fangary have failed to bring either committee into compliance in regard to the delinquent campaign  
10 statements.

#### 11 2013 Committee

12 Fangary filed a Statement of Organization with the Secretary of State ("SOS") on August 5, 2011  
13 for the committee, "Friends of H. Fangary for Hermosa Beach City Council 2011." The committee was  
14 assigned the identification number, 1370442. After Fangary was unsuccessful at the 2011 election,  
15 Fangary filed an amended Statement of Organization on February 2, 2012 and listed D. Fangary as the  
16 treasurer to replace a prior individual. Fangary later re-designated the committee for the 2013 election by  
17 filing an amended Statement of Organization on September 13, 2013 and he renamed the committee as  
18 appropriate.

19 The last statement filed by the 2013 Committee was for the reporting period of July 1, 2016  
20 through December 31, 2016 and reported that the 2013 Committee had a cash balance of \$11,317. No  
21 other statements have been filed. According to bank records obtained pursuant to this investigation, the  
22 2013 Committee continues to have funds available. As of February 28, 2018, the 2013 Committee had at  
23 least \$6,301 on deposit. The final disposition of these funds is unknown.

24  
25  
26 <sup>29</sup> Sections 83116.5 and 91006.

<sup>30</sup> Section 83116.

As Fangary has failed to terminate this committee, the 2013 Committee continues to have a filing obligation. When the controlling candidate, Fangary, is on the ballot, the 2013 Committee has a duty to timely file pre-election campaign statements. At all other times, the 2013 Committee has a duty to timely file semi-annual campaign statements. In total, the 2013 Committee has failed to timely file the following campaign statements, within the last five years:

Type	Reporting Period	Date Due	Unreported Activity <sup>31</sup>
Semi-Annual	01/01/2017 to 06/30/2017	07/31/2017	\$200 expenditure
Pre-Election	07/01/2017 to 09/23/2017	09/28/2017	\$0
Pre-Election	09/24/2017 to 10/21/2017	10/26/2017	\$0
Semi-Annual	10/22/2017 to 12/31/2017	01/31/2018	\$0
Semi-Annual	01/01/2018 to 06/30/2018	07/31/2018	Unknown
Semi-Annual	07/01/2018 to 12/31/2018	01/31/2019	Unknown
Semi-Annual	01/01/2019 to 06/30/2019	07/31/2019	Unknown
Semi-Annual	07/01/2019 to 12/31/2019	01/31/2020	Unknown
Semi-Annual	01/01/2020 to 06/30/2020	07/31/2020	Unknown

2017 Committee

Fangary filed a Statement of Organization with SOS on August 14, 2017 for the committee, H. S. Fangary for City Council, in connection with his 2017 re-election campaign for Hermosa Beach City Council. The SOS assigned the committee identification number, 1398222. At that time, Fangary indicated that the committee had not yet qualified. An amendment was filed with SOS on October 26, 2017, indicating a qualification date of August 30, 2017 and providing the information to locate the campaign bank account.

The 2017 Committee failed to timely file the first pre-election campaign statement. The statement, due on September 28, 2017, was not filed until October 19, 2017. The second pre-election statement was

<sup>31</sup> According to the 2013 Committee bank account records.



1 timely filed. However, after this statement, no other campaign statement has been filed for this  
 2 committee. The last filed campaign statement reported a cash balance of \$4,330. According to bank  
 3 records obtained pursuant to this investigation, the 2017 Committee continues to have funds available.  
 4 As of February 28, 2018, the 2017 Committee had at least \$4,895 on deposit. The final disposition of  
 5 these funds is unknown.

6 As Fangary has failed to terminate this committee, the 2017 Committee continues to have a filing  
 7 obligation. The 2017 Committee has a duty to timely file semi-annual campaign statements. In total, the  
 8 2017 Committee has failed to timely file the following campaign statements:

Type	Reporting Period	Date Due	Unreported Activity <sup>32</sup>
Semi-Annual	10/22/2017 to 12/31/2017	01/31/2018	\$2,300 in contributions \$4,340 in expenditures
Semi-Annual	01/01/2018 to 06/30/2018	07/31/2018	\$13,000 in contributions \$12,094 in expenditures
Semi-Annual	07/01/2018 to 12/31/2018	01/31/2019	Unknown
Semi-Annual	01/01/2019 to 06/30/2019	07/31/2019	Unknown
Semi-Annual	07/01/2019 to 12/31/2019	01/31/2020	Unknown
Semi-Annual	01/01/2020 to 06/30/2020	07/31/2020	Unknown

18 In total, by reviewing both filed campaign statements, bank records, and PayPal records, the  
 19 Enforcement Division determined that the 2017 Committee raised approximately \$14,333 in  
 20 contributions and made approximately \$8,093 in expenditures although the exact figure is unknown due  
 21 to lack of complete committee records provided.

22 In addition to late filing, the Enforcement Division determined that the 2017 Committee failed to  
 23 utilize a designated campaign bank account for the deposit of all contributions and for all expenditures.  
 24 Campaign statements reported a number of contributions and payments made that were not made through  
 25

26 <sup>32</sup> According to the 2017 Committee bank account records and PayPal Records.



1 the campaign bank account. Fangary provided some, but not all records from his personal PayPal account  
2 to verify what he had reported on the first two pre-election statements. In a statement to the investigator,  
3 Fangary acknowledged that funds were comingled with his personal funds. He indicated which  
4 transactions were personal and which were campaign related by highlighting the statements. The  
5 Enforcement Division estimates that up to \$2,500 in contributions were received outside the designated  
6 bank account and approximately \$4,199 in expenditures were made outside the designated bank account.

7 The Enforcement Division determined that a mass mailing included the disclosure statement,  
8 “Paid for by H.S. Fangary for City Council 2017, FPPC ID#1398222” but lacked the required address  
9 for the committee. Fangary received notice of this deficiency in disclosure on or around October 16, 2017  
10 due to the sworn complaint. Subsequent mass mailings had the correct disclosure.

## 11 VIOLATIONS

### 12 **As to the 2013 Committee, Fangary, and D. Fangary only,**

#### 13 Count 1: Failure to Timely File a Semi-Annual Campaign Statement

14 The 2013 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
15 statement for the reporting period of January 1, 2017 through June 30, 2017 by the deadline of July 31,  
16 2017, in violation of Government Code Section 84200.

#### 17 Count 2: Failure to Timely File a Pre-Election Campaign Statement

18 The 2013 Committee, Fangary, and D. Fangary failed to timely file a pre-election campaign  
19 statement for the reporting period of July 1, 2017 through September 23, 2017 by the deadline of  
20 September 28, 2017, in violation of Government Code Section 84200.5 and 84200.8.

#### 21 Count 3: Failure to Timely File a Pre-Election Campaign Statement

22 The 2013 Committee, Fangary, and D. Fangary failed to timely file a pre-election campaign  
23 statement for the reporting period of September 24, 2017 through October 21, 2017 by the deadline of  
24 October 26, 2017, in violation of Government Code Section 84200.5 and 84200.8.

25  
26 //



1 **As to the 2017 Committee, Fangary, and D. Fangary only,**

2 Count 10: Failure to Timely File a Pre-Election Campaign Statement

3 The 2017 Committee, Fangary, and D. Fangary failed to timely file a pre-election campaign  
4 statement for the reporting period of January 1, 2017 through September 23, 2017 by the deadline of  
5 September 28, 2017, in violation of Government Code Section 84200.5 and 84200.8.

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

7 The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
8 statement for the reporting period of October 22, 2017 through December 31, 2017 by the deadline of  
9 January 31, 2018, in violation of Government Code Section 84200.

10 Count 12: Failure to Timely File a Semi-Annual Campaign Statement

11 The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
12 statement for the reporting period of January 1, 2018 through June 30, 2018 by the deadline of July 31,  
13 2018, in violation of Government Code Section 84200.

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

15 The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
16 statement for the reporting period of July 1, 2018 through December 31, 2018 by the deadline of January  
17 31, 2019, in violation of Government Code Section 84200.

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

19 The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
20 statement for the reporting period of January 1, 2019 through June 30, 2019 by the deadline of July 31,  
21 2019, in violation of Government Code Section 84200.

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

23 The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
24 statement for the reporting period of July 1, 2019 through December 31, 2019 by the deadline of January  
25 31, 2020, in violation of Government Code Section 84200.

26 //

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

2                   The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
3 statement for the reporting period of January 1, 2020 through June 30, 2020 by the deadline of July 31,  
4 2020, in violation of Government Code Section 84200.

5                   Count 17: Failure to Utilize a Single, Designated Campaign Bank Account

6                   The 2017 Committee, Fangary, and D. Fangary failed to utilize a single, designated campaign  
7 bank account for all contributions and all deposits, in violation of Government Code Section 85201.

8                   Count 18: Failure to Include Complete Disclosure on a Mass Mailing

9                   The 2017 Committee, Fangary, and D. Fangary failed to include the address of the responsible  
10 committee on a mass mailing, in violation of Government Code Section 84305.

11                   **EXCULPATORY OR MITIGATING INFORMATION**

12                   The filing violations appear to be the result of negligence, as opposed to being deliberate or  
13 inadvertent acts. Respondents provided some, although not all, records, to support reporting, including  
14 records related to the transactions that occurred outside the designated campaign bank account.  
15 Respondents were generally cooperative in the investigation. After Fangary received notice of the lack  
16 of the committee address, all subsequent mass mailings including the correct and proper disclosure.

17                   **OTHER RELEVANT MATERIAL**

18                   The failure to timely file pre-election campaign statements and campaign statements causes public  
19 harm as it deprives the public of transparency in political spending during the crucial weeks prior to an  
20 election. The 2013 Committee and 2017 Committee remain open and have not filed required campaign  
21 disclosures, despite multiple requests for compliance. Fangary and D. Fangary demonstrate a pattern of  
22 failing to file campaign statements, having previously agreed to a streamline stipulation in 2014 for  
23 failing to file two pre-election campaign statements in connection with the 2013 General Election.

24  
25  
26 //

1 **CONCLUSION**

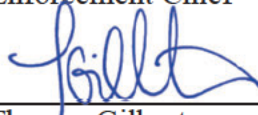
2 Probable cause exists to believe that the 2013 Committee, the 2017 Committee, Fangary, and D.  
3 Fangary violated the Act as described above. The Enforcement Division respectfully requests an order  
4 finding probable cause pursuant to Section 83115.5 and Regulation 18361.4.

5  
6 Dated: February 4, 2021

7  
8 Respectfully Submitted,

9 **FAIR POLITICAL PRACTICES COMMISSION**

10 Angela J. Brereton  
11 Enforcement Chief



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

**Exhibit A-2**

USPS TRACKING #



9590 9402 6097 0125 5946 02



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

United States  
Postal Service

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

Fair Political Practices Commission  
Attn: Theresa Gilbertson  
1102 a Street, Ste 3000  
Sacramento, CA 95811

2021 FEB 16 PM 2:38

RECEIVED  
FAIR POLITICAL  
PRACTICES COMMISSION



**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:

Dina Fargany  
730 The Strand  
Hemosa Beach, CA 90254



9590 9402 6097 0125 5946 02

2. Article Number (Transfer from service label)

7019 2970 0001 4027 7141

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
**X**  Addressee

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

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

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery (Full)	<input type="checkbox"/> Signature Confirmation Restricted Delivery (Full)

Domestic Return Receipt



**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 February 9, 2021, I served the following document(s):

1. Letter dated February 4, 2021, from Theresa Gilbertson;
2. FPPC No. 18/00005 Report in Support of a Finding of Probable Cause;
3. PC Checklist
4. Probable Cause Fact Sheet;
5. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
6. 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**

Hany S. Fangary  
730 The Strand  
Hermosa Beach, CA 90254

Dina Fangary  
730 The Strand  
Hermosa Beach, CA 90254

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 9, 2021.

  
\_\_\_\_\_  
Kimberly Rawnsley

7019 2970 0001 4027 7141

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL® RECEIPT</b> <i>Domestic Mail Only</i>	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$ _____	Postmark Here
<b>Extra Services &amp; Fees (check box, add fee as appropriate)</b> <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
<b>Total Postage and Fees</b> \$ _____	
Sent To Street and Apt. No., or PO Box No. City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2970 0001 4027 7134

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL® RECEIPT</b> <i>Domestic Mail Only</i>	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$ _____	Postmark Here
<b>Extra Services &amp; Fees (check box, add fee as appropriate)</b> <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
<b>Total Postage and Fees</b> \$ _____	
Sent To Street and Apt. No., or PO Box No. City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

**Certified Mail service provides the following benefits:**

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

**Important Reminders:**

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for International mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

**IMPORTANT:** Save this receipt for your records.

**Certified Mail service provides the following benefits:**

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

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for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

**IMPORTANT:** Save this receipt for your records.

**PROOF OF SERVICE**

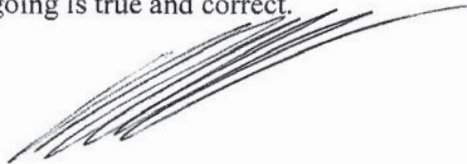
STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I, the undersigned, am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is: 4733 Torrance Blvd., # 322 Torrance, CA 90503-4100.

On March 13, 2021, at 5:24 p.m., at 730 The Strand, Hermosa Beach, CA 90254, I served the documents described as: Cover letter dated February 4, 2021; REPORT IN SUPPORT OF A FINDING OF PROBABLE CAUSE; PROVABLE CAUSE REPORT CHECKLIST; PROBABLE CAUSE FACT SHEET; CALIFORNIA GOVERNMENT CODE; REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION TITLE 2, DIVISION 6 OF THE CALIFORNIA CODE OF REGULATIONS, on HANY S. FANGARY, by personally handing him the documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Luis A. Martinez

California Registered Process Server  
Los Angeles County reg. # 3456

**Exhibit A-3**





## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

February 4, 2021

### **CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Hany S. Fangary  
730 The Strand  
Hermosa Beach, CA 90254

Dina Fangary  
730 The Strand  
Hermosa Beach, CA 90254

### **In the Matter of Friends of H. Fangary for Hermosa Beach City Council 2013, H. S. Fangary for City Council 2017, Dina Fangary, and Hany S. Fangary; FPPC Case No. 2018-00005.**

Dear Mr. Fangary and Ms. Fangary:

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 attempts to contact you. 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, Ste. 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, or at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) within 21 days from the date of service of this letter. You can also reach the Commission Assistant at (916) 327-8269.***

Please note that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. ***If you are interested***

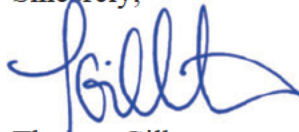
*in reaching a settlement in this matter, please contact me at (916) 323-6421 or [tgilbertson@fppc.ca.gov](mailto:tgilbertson@fppc.ca.gov).*

Finally, you have the right to request records of the evidence in possession of, and relied upon by, the Enforcement Division. *This request must also be filed with the Commission Assistant by mail at the address above or email at by email at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov), within 21 days from the date of service of this letter.* Should you request records, the Enforcement Division will provide such records by email or U.S. mail to all respondents, with a copy to the Commission Assistant. From the date you are served with the records, 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 will be 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  
Senior Commission Counsel  
Enforcement Division

Enclosures

## **PROBABLE CAUSE FACT SHEET**

---

### **INTRODUCTION**

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

The probable cause proceedings before the Fair Political Practices Commission are a unique, informal proceeding, 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 evidence indicating a violation alleged in the report did not occur;
- b) The opportunity to request records, 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 written summary of the law and evidence that supports a finding of probable cause that each alleged violation of the Act has occurred, as well as a description of any exculpatory evidence indicating a violation alleged in the report did not occur. It is filed with the Hearing Officer.

## **Records**

Within 21 calendar days following the service of the probable cause report, you may request all records in the possession of the Enforcement Division obtained for purposes of that investigation that are not readily available public records or otherwise in the possession of the requesting respondent. Records that are confidential, were received in response to an administrative subpoena, or otherwise contain protected information, will be withheld.

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

## **Response to Probable Cause Report**

Within 21 calendar days following the service of the probable cause report or, within 21 calendar days from the service of the records, you may submit a response to the Report. By regulation, the written response should contain, "... a summary of law and evidence, that supports a finding that the probable cause report fails to establish probable cause that any or all of the alleged violations of the Act occurred."<sup>2</sup>

You must file your response with the Commission Assistant.

## **Staff Reply**

Not later than 14 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 the alleged violator files with the Commission a written request that the proceeding be 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.

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

<sup>2</sup> 2 CCR § 18361.4, subd. (d)(1).



The Hearing Officer will find probable cause to exist when the evidence sufficiently supports a reasonable belief or strong suspicion that the Act has been violated.<sup>3</sup>

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

Every reasonable effort is made to accommodate the schedules of parties and counsel (filling out the attached Probable Cause Checklist aides in this effort). The conference shall proceed no later than 75 days after receipt by the Commission Assistant of the filed request for a probable cause conference, or 75 days after the date records are sent, unless the assigned hearing officer extends the time for good cause based on an extension request filed by any party with the Commission Assistant.

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

If the Hearing Officer finds probable cause, he will issue a Finding of Probable Cause, which will be publicly announced which includes the posting of a summary of the allegations on the Commission's website. An Accusation will be issued soon after the Finding of Probable Cause is publicly announced.

### **Settlements**

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

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

## CALIFORNIA GOVERNMENT CODE

### Probable Cause Statutes

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

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

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

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

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

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

**Probable Cause Regulations**

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

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

**§ 18361.4. Probable Cause Proceedings**

(a) Probable Cause. Under Sections 83115.5 and 83116, probable cause exists when the evidence sufficiently supports a reasonable belief or strong suspicion that the Act has been violated.

(b) Probable Cause Report. To commence probable cause proceedings pursuant to Sections 83115.5 and 83116, the Chief of Enforcement shall direct Enforcement Division staff to prepare a probable cause report that contains a written summary of the law and evidence that supports a finding of probable cause that each alleged violation of the Act has occurred, as well as a description of any exculpatory evidence indicating a violation alleged in the report did not occur. The probable cause report may include hearsay evidence, including declarations of investigators or others relating the statements of witnesses or concerning the examination of physical evidence.

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

- (1) A copy of the probable cause report;
- (2) Notification that each respondent has the right to respond in writing to the probable cause report and to request a probable cause conference at which the respondent may be present in person and represented by counsel, notification of all deadlines to file a written response, and request a probable cause conference;
- (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; and
- (4) A probable cause checklist form which includes information regarding a respondent's options for a probable cause conference, written response, and evidence, as well as the respondent(s) best contact information, available dates, and preferred method of service.

(d) Response to Probable Cause Report; Request for Probable Cause Conference; Waiver.

- (1) Not later than 21 calendar days following service of the probable cause report, or the date records were sent pursuant to (d)(3), a respondent may submit a written response to the probable cause report. The response should contain a summary of law and evidence that supports a finding that the probable cause report fails to establish probable cause that any or all of the alleged violations of the Act occurred. Any response shall be filed with the

Commission Assistant by electronic mail at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or U.S. mail, who will send a copy, to all parties named in the probable cause report within 2 business days.

(2)

(A) Not later than 21 calendar days following service of the probable cause report, or the date records were sent pursuant to subdivision (d)(3), any respondent may request a probable cause conference which shall be filed with the Commission Assistant by electronic mail at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or U.S. mail, who will provide a copy to all other parties named in the probable cause report and forward the request to the hearing officer assigned to the matter from the Legal Division within two business days. The Commission Assistant shall schedule the probable cause conference and if the probable cause checklist has not been returned, make efforts to obtain the information from the respondent(s).

(B) If a respondent requests a probable cause conference later than 21 days following service of the probable cause report or the date records were sent pursuant to subdivision (d)(3), the assigned hearing officer may grant the request based on good cause, including a showing by respondent that they did not timely receive the probable cause report after it was served, or some other circumstance reasonably justifying respondent's failure to timely request the hearing. However, no late request for a probable cause conference shall be granted if the assigned hearing officer has already issued an order for an Accusation to be served on the respondent.

(C) The conference shall proceed no later than 75 days after receipt by the Commission Assistant of the filed request for a probable cause conference, or 75 days after the date records are sent pursuant to subdivision (d)(3), unless the assigned hearing officer extends the time for good cause based on an extension request filed by any party with the Commission Assistant. If respondent requests a probable cause conference but the probable cause conference does not timely proceed, the Commission assistant shall set a probable cause conference to occur within 14 calendar days and provide notice of the conference to all parties. The hearing officer shall conduct the conference informally.

(3) Within 21 calendar days following the service of the probable cause report, a respondent may request by electronic mail at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or U.S. mail a copy of all records in the possession of the Enforcement Division obtained for purposes of that investigation that are not readily available public records or otherwise in the possession of the requesting respondent, except records that it claims are confidential, were received in response to an administrative subpoena, or otherwise contain protected information, as required in subdivision (d)(3)(B). For purposes of this subdivision, the term "readily available public records" includes any statements, reports or other records available to the public in electronic format on a government agency website.

(A) The Enforcement Division will provide copies of the requested records upon payment of a fee for direct costs of duplication or provide electronically without cost. The Enforcement Division shall provide such records by electronic mail or U.S. mail 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 the evidence is sent. The records produced by the Enforcement Division pursuant to this subdivision shall be considered the final production at the Probable Cause level and is not appealable.

(B) If requested by respondent, the Enforcement Division shall provide a description of records withheld, which shall include the following information:

- (i) the date of the record;
- (ii) the identity of the author(s);
- (iii) the identity of the recipient(s);
- (iv) the specific ground for which the objection to produce the record is made; and
- (v) the current location of the record.

(4) If a respondent fails to file a timely response, make a timely request for a probable cause conference, or appear for a probable cause conference, the respondent waives the right to further probable cause proceedings under Section 83115.5, and the Enforcement Division may transmit copies of the Probable Cause Report, Request for a Finding of Probable Cause, and Order that an Accusation be Prepared to the Commission Assistant requesting that a hearing officer from the Legal Division find probable cause based on the information provided. Upon a finding of probable cause, the hearing officer will issue an Order Finding Probable Cause and serve it on all parties.

(5) The hearing officer may extend any of the time limits in subdivision (d) if good causes exists.

(e) Rebuttal. Not later than 14 calendar days following the date the response was filed with the Commission Assistant, Enforcement Division staff may submit any evidence or argument in rebuttal to the response which shall be filed with the Commission Assistant by electronic mail at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) who will provide a copy to all parties. These are the only briefings to be considered by the hearing officer when making the determination of probable cause.

(f) Probable Cause Conference. The conference shall be closed to the public unless a respondent requests, and all other respondents agree, to a public conference. If the conference is not public, then only the parties named in the probable cause report, their legal counsel or representative and Enforcement Division staff shall have the right to be present and participate. Any party may send a request to the Commission Assistant at least 7 days before the probable cause conference that the hearing officer allow witnesses to participate in the probable cause conference. The request shall identify each witness and summarize the subject of the witness's testimony, and be sent to all parties. The hearing officer, in making this determination, 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, then the conference may be conducted in whole or in part by telephone or videoconference. The Enforcement Division shall record the probable cause conference. The hearing officer may determine whether there is probable cause based solely on the probable cause report, any responses or rebuttals, evidence submitted, and any arguments presented at the probable cause conference by the parties. The hearing officer may, based on a showing of good cause, permit any party to submit additional evidence at or after the probable cause conference if the additional evidence is summarized at the probable cause conference. Only evidence that confirms or disproves a statement made at the probable cause conference may be submitted after the conference.

(g) Finding of Probable Cause. A finding of probable cause by the hearing officer does not

constitute a finding that a violation occurred. The hearing officer shall not make a finding of probable cause if presented with clear and convincing evidence that, at least 21 working days prior to the alleged violation, the respondent requested written advice from the Commission staff pursuant to Section 83114(b), disclosed truthfully all the material facts, and committed the acts complained of in reliance on formal advice of Commission staff or because of Commission staff's failure to provide advice. If the hearing officer makes a finding of probable cause, then 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.

### **§ 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.



# PROBABLE CAUSE REPORT CHECKLIST

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## 1. YOUR PROCEDURAL OPTIONS

- Request to have a Probable Cause Conference.
  - If you would like a conference, then no later than 21 calendar days following service of the Probable Cause Report, or the date records were sent, you may request a Probable Cause Conference with the Commission Assistant by email at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or U.S. mail at 1102 Q Street, Suite 3000, Sacramento, CA 95811.
  - You may appear on your own behalf or obtain counsel to represent you.
  - You may request to appear in-person, or remotely.
  - **PLEASE NOTE:** Failure to respond timely results in a waiver of your rights to further probable cause proceedings and the Enforcement Division may transmit copies of the Probable Cause Report, Request for a Finding of Probable Cause, and Order that an Accusation be Prepared to the Commission Assistant requesting that a hearing officer from the Legal Division find probable cause based on the information provided. Upon a finding of probable cause, the hearing officer will issue an Order Finding Probable Cause and serve it on all parties.
- Respond to the Probable Cause Report in Writing.
  - No later than 21 calendar days following service of the Probable Cause Report, or the date records were sent to you, you may submit a written response to the Probable Cause Report. The response should contain a summary of law and evidence that supports a finding that the Probable Cause Report fails to establish probable cause that any or all of the alleged violations of the Act occurred.
  - Any response needs to be filed with the Commission Assistant by email at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or U.S. mail at 1102 Q Street, Suite 3000, Sacramento, CA 95811.
  - Rebuttal. Not later than 14 calendar days following the date your response was filed with the Commission Assistant, Enforcement Division staff may submit a rebuttal to your response which shall be filed with the Commission Assistant, who will provide a copy to all parties.
- Request Records.
  - Within 21 calendar days following the service of the Probable Cause Report, you may request by email at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or U.S. mail, a copy of all records in the possession of the Enforcement Division obtained for purposes of the investigation that are not readily available public records or otherwise in your possession.
- Request Attendance of Witnesses.
  - Any party may send a request to the Commission Assistant, at least 7 days before the Probable Cause Conference, that the hearing officer allow witnesses to participate in the Probable Cause Conference.
  - The request shall identify each witness, summarize the subject of the witness's testimony, and be sent to all parties.

Fill out the below checklist and send a copy to the Commission Assistant by email at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or by mail to: 1102 Q Street, Suite 3000, Sacramento, CA 95811.

## 2. ABOUT YOU

- Name:
- Case Number:
- Enforcement Attorney handling this case:
- Preferred contact method (select one): Phone: \_\_\_ Email: \_\_\_ Other: \_\_\_
- Please provide the information below for contact:
  - Phone:
  - Email:
  - Other:
  
- List dates over the next 4 months in which you are unavailable for a Probable Cause Conference: \_\_\_\_\_
- Preferred service of documents method (select one): Mail: \_\_\_ Email: \_\_\_ Other: \_\_\_
- Please provide the information below for service:
  - Mail:
  - Email:
  - Other:

### **Please check all that apply:**

- I request to have a Probable Cause Conference.
- I will be appearing (select one): In-person: \_\_\_ Remote: \_\_\_
- I intend to submit a written response to the Probable Cause Report.
- I am requesting a copy of the records the Enforcement Division obtained for purposes of the investigation.
- I intend to have witnesses appear at the Probable Cause Conference. I will submit a request (separate from, and in addition to, this checklist) to the Commission Assistant at least 7 days before the Probable Cause Conference, that identifies each witness, summarizes the subject of the witness's testimony, and is sent to all parties.



**Exhibit A-4**



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

April 8, 2021

Hany S. Fangary  
730 The Strand  
Hermosa Beach, CA 90254

Dina Fangary  
730 The Strand  
Hermosa Beach, CA 90254

**Re: In the Matter of Friends of H. Fangary for Hermosa Beach City Council 2013, H. S. Fangary for City Council 2017, Dina Fangary, and Hany S. Fangary; FPPC Case No. 2018-00005.**

Dear Mr. Fangary and Ms. Fangary:

Enclosed please find the following document: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served.

Please either refer to the materials previously sent to you regarding probable cause proceedings, or contact me at (916) 323-6421 or [tgilbertson@fppc.ca.gov](mailto:tgilbertson@fppc.ca.gov) if you have any questions or concerns regarding this matter.

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**  
1102 Q Street, Suite 3000  
Sacramento, CA 95811  
4 Telephone: (916) 323-6421  
5 Email: tgilbertson@fppc.ca.gov

6 Attorneys for Complainant

7 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

8 STATE OF CALIFORNIA

9  
10 In the Matter of ) FPPC No. 2018-00005  
 )  
11 FRIENDS OF H. FANGARY FOR ) EX PARTE REQUEST FOR A FINDING OF  
HERMOSA BEACH CITY COUNCIL ) PROBABLE CAUSE AND AN ORDER THAT  
12 2013, H. S. FANGARY FOR CITY ) AN ACCUSATION BE PREPARED AND  
COUNCIL 2017, DINA FANGARY, AND ) SERVED  
13 HANY S. FANGARY, ) Gov. Code § 83115.5  
 )  
14 Respondents. )

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

16 Pursuant to Section 83115.5 of the Political Reform Act (the “Act”)<sup>1</sup> and Regulation 18361.4,  
17 Respondents Friends of H. Fangary for Hermosa Beach City Council 2013 (“2013 Committee”), H. S.  
18 Fangary for City Council 2017 (“2017 Committee”), Hany S. Fangary (“Fangary”), and Dina Fangary  
19 (“D. Fangary”) were served with a copy of a report in support of a finding of probable cause (“PC Report”)  
20 in the above-entitled matter.<sup>2</sup> The PC Report, attached as “Exhibit A,” was part of a packet of materials,  
21 including a cover letter and a memorandum describing probable cause proceedings, which was sent to  
22 2013 Committee, 2017 Committee, and Fangary by personal service on March 13, 2021 and on D. Fangary  
23 by certified mail, with return receipt requested, with the return receipt returned to the Fair Political  
24

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

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

1 Practices Commission by February 16, 2021. A copy of the proof of service and the return receipt is  
2 attached as “Exhibit B.”

3 In the cover letter dated February 4, 2021, and the attached materials, Respondents 2013  
4 Committee, 2017 Committee, Fangary, and D. Fangary were advised that they could respond in writing  
5 to the PC Report and orally present the case to the Hearing Officer at a probable cause conference to be  
6 held in Sacramento. Respondents were further advised that in order to have a probable cause conference  
7 they needed to make a written request for one within 21 days of the date he received the PC Report, or the  
8 date requested records were sent by the Enforcement Division. Additionally, Respondents were advised  
9 that if they did not request a probable cause conference, such a conference would not be held and probable  
10 cause would be determined based solely on the PC Report and any written response submitted within 21  
11 days of the date Respondents were served with the PC Report, or the date requested records were sent by  
12 the Enforcement Division. To date, Respondents have not submitted a written response or requested a  
13 probable cause conference.

14 WHEREFORE, based on the attached PC Report, the Enforcement Division requests a finding by  
15 the Hearing Officer that probable cause exists to believe that the Respondents committed 18 violations of  
16 the Act, stated as follows:

17 **As to the 2013 Committee, Fangary, and D. Fangary only,**

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

19 The 2013 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
20 statement for the reporting period of January 1, 2017 through June 30, 2017 by the deadline of July 31,  
21 2017, in violation of Government Code Section 84200.

22 Count 2: Failure to Timely File a Pre-Election Campaign Statement

23 The 2013 Committee, Fangary, and D. Fangary failed to timely file a pre-election campaign  
24 statement for the reporting period of July 1, 2017 through September 23, 2017 by the deadline of  
25 September 28, 2017, in violation of Government Code Section 84200.5 and 84200.8.

26 //



1                   Count 9: Failure to Timely File a Semi-Annual Campaign Statement

2           The 2013 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
3 statement for the reporting period of January 1, 2020 through June 30, 2020 by the deadline of July 31,  
4 2020, in violation of Government Code Section 84200.

5                   **As to the 2017 Committee, Fangary, and D. Fangary only,**

6                   Count 10: Failure to Timely File a Pre-Election Campaign Statement

7           The 2017 Committee, Fangary, and D. Fangary failed to timely file a pre-election campaign  
8 statement for the reporting period of January 1, 2017 through September 23, 2017 by the deadline of  
9 September 28, 2017, in violation of Government Code Section 84200.5 and 84200.8.

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

11           The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
12 statement for the reporting period of October 22, 2017 through December 31, 2017 by the deadline of  
13 January 31, 2018, in violation of Government Code Section 84200.

14                  Count 12: Failure to Timely File a Semi-Annual Campaign Statement

15           The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
16 statement for the reporting period of January 1, 2018 through June 30, 2018 by the deadline of July 31,  
17 2018, in violation of Government Code Section 84200.

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

19           The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
20 statement for the reporting period of July 1, 2018 through December 31, 2018 by the deadline of January  
21 31, 2019, in violation of Government Code Section 84200.

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

23           The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
24 statement for the reporting period of January 1, 2019 through June 30, 2019 by the deadline of July 31,  
25 2019, in violation of Government Code Section 84200.

26 //



1 A copy of this Request was mailed via U.S. Mail to the Respondents on or about April 8, 2021 at  
2 the last known address, as follows:

3  
4 Hany S. Fangary  
5 o/b/o Friends of H. Fangary for  
6 Hermosa Beach City Council 2013  
7 and H. S. Fangary for City Council  
8 2017  
9 730 The Strand  
10 Hermosa Beach, CA 90254

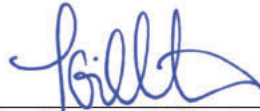
Dina Fangary  
730 The Strand  
Hermosa Beach, CA 90254

11 Dated: April 8, 2021

Respectfully Submitted,

**FAIR POLITICAL PRACTICES COMMISSION**

Angela J. Brereton  
Chief of Enforcement



By: Theresa Gilbertson  
Senior Commission Counsel  
Enforcement Division



# EXHIBIT A



## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

February 4, 2021

### **CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Hany S. Fangary  
730 The Strand  
Hermosa Beach, CA 90254

Dina Fangary  
730 The Strand  
Hermosa Beach, CA 90254

### **In the Matter of Friends of H. Fangary for Hermosa Beach City Council 2013, H. S. Fangary for City Council 2017, Dina Fangary, and Hany S. Fangary; FPPC Case No. 2018-00005.**

Dear Mr. Fangary and Ms. Fangary:

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 attempts to contact you. 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, Ste. 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, or at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) within 21 days from the date of service of this letter. You can also reach the Commission Assistant at (916) 327-8269.***

Please note that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. ***If you are interested***

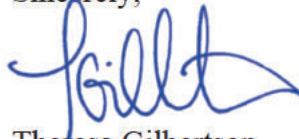
*in reaching a settlement in this matter, please contact me at (916) 323-6421 or [tgilbertson@fppc.ca.gov](mailto:tgilbertson@fppc.ca.gov).*

Finally, you have the right to request records of the evidence in possession of, and relied upon by, the Enforcement Division. *This request must also be filed with the Commission Assistant by mail at the address above or email at by email at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov), within 21 days from the date of service of this letter.* Should you request records, the Enforcement Division will provide such records by email or U.S. mail to all respondents, with a copy to the Commission Assistant. From the date you are served with the records, 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 will be 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  
Senior Commission Counsel  
Enforcement Division

Enclosures

1 ANGELA BRERETON  
Chief of Enforcement  
2 THERESA GILBERTSON  
Senior 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](mailto: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

12  
13 FRIENDS OF H. FANGARY FOR  
HERMOSA BEACH CITY COUNCIL  
14 2013, H. S. FANGARY FOR CITY  
COUNCIL 2017, DINA FANGARY,  
15 AND HANY S. FANGARY,

11 ))FPPC No. 2018-00005

12 ))  
13 ))**REPORT IN SUPPORT OF A FINDING OF**  
14 ))**PROBABLE CAUSE**

14 ))Conference Date: TBA  
15 ))Conference Time: TBA  
16 ))Conference Location: Commission Offices  
1102 Q Street, Suite 3000  
Sacramento, CA 95811  
17 ))

16 Respondents.  
17

18 **INTRODUCTION**

19 Hany S. Fangary (“Fangary”) is a member of the Hermosa Beach City Council. He is the  
20 controlling candidate of two recipient committees, Friends of H. Fangary for Hermosa Beach City  
21 Council 2013 (“2013 Committee”) and H. S. Fangary for City Council 2017 (“2017 Committee”). Dina  
22 Fangary (“D. Fangary”) is the treasurer of record at all relevant times.

23 The Enforcement Division’s investigation determined that the 2013 Committee, Fangary, and D.  
24 Fangary violated the Political Reform Act (“The Act”)<sup>1</sup> by failing to timely file campaign statements.

25  
26 <sup>1</sup> The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code  
sections 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices

1 The investigation also determined that the 2017 Committee, Fangary, and D. Fangary violated the Act  
2 by failing to timely file campaign statements, failing to utilize a single, designated campaign bank  
3 account, and by failing to include an address on the disclosure statement for a mass mailing.

#### 4 **SUMMARY OF THE LAW**

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

#### 9 Jurisdiction

10 The Fair Political Practices Commission (the “Commission”) has primary responsibility for the  
11 impartial, effective administration and implementation of the Act.<sup>2</sup> This includes enforcement through  
12 administrative prosecution.<sup>3</sup> However, before the Commission’s Enforcement Division may commence  
13 administrative prosecution by filing/serving an Accusation, a hearing officer (either the General Counsel  
14 of the Commission or another attorney in the Commission’s Legal Division) must determine whether  
15 there is probable cause that supports a reasonable belief or strong suspicion that one or more violations  
16 of the Act occurred.<sup>4</sup> Any finding of probable cause is required by law to be announced publicly, which  
17 includes the posting of a summary of the allegations on the Commission’s website.<sup>5</sup> After a finding of  
18 probable cause, the Commission may then hold a hearing to determine what violations have occurred—  
19 and levy an administrative penalty of up to \$5,000 for each violation.<sup>6</sup>

#### 20 Standard for Finding Probable Cause

21 For the hearing officer to make a finding of probable cause, it is only necessary that he or she be  
22 presented with evidence that sufficiently supports a reasonable belief or strong suspicion that the Act

---

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

25 <sup>2</sup> Section 83111.

26 <sup>3</sup> Section 83116.

27 <sup>4</sup> Sections 83115.5 and 83116; Regulations 18361, subd. (b), and 18361.4.

28 <sup>5</sup> Regulation 18361.4, subd. (g).

<sup>6</sup> Section 83116; Regulation 18361.4, subd. (g).

1 has been violated.<sup>7</sup> Probable cause may only be found if the Respondents were notified of the violations  
2 at least 21 days prior to the hearing officer’s consideration of the alleged violations.<sup>8</sup>

3 Contents of the Probable Cause Report

4 The probable cause report is required to contain a summary of the law and evidence that supports  
5 a finding of probable cause that each alleged violation of the Act has occurred, as well as a description  
6 of any exculpatory evidence indicating a violation alleged in the report did not occur. The evidence  
7 recited in the probable cause report may include hearsay.<sup>9</sup>

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

9 When enacting the Act, the people of California found and declared that previous laws regulating  
10 political practices suffered from inadequate enforcement by state and local authorities.<sup>10</sup> For this reason,  
11 the Act is to be construed liberally to accomplish its purposes.<sup>11</sup>

12 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in  
13 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper  
14 practices are inhibited.<sup>12</sup> Along these lines, the Act includes a comprehensive campaign reporting  
15 system.<sup>13</sup> Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act  
16 will be “vigorously enforced.”<sup>14</sup>

17 Definition of Committee

18 A “committee” includes any person or combination of persons who receive contributions totaling  
19 \$2,000 or more in a calendar year.<sup>15</sup> Prior to 2016, the amount to qualify as a committee was \$1,000.<sup>16</sup>

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

23 <sup>8</sup> Section 83115.5.

24 <sup>9</sup> Regulation 18361.4, subd. (b).

25 <sup>10</sup> Section 81001, subd. (h).

26 <sup>11</sup> Section 81003.

27 <sup>12</sup> Section 81002, subd. (a).

28 <sup>13</sup> Sections 84200, *et seq.*

<sup>14</sup> Section 81002, subd. (f).

<sup>15</sup> Section 82013, subd. (a).

<sup>16</sup> Section 82013, subd. (a) (2011-2015).

1 This type of committee is commonly referred to as a “recipient committee.” A recipient committee  
2 controlled by a candidate is called a controlled committee.

### 3 Mandatory Filing of Campaign Statements

4 At the core of the Act’s campaign reporting system is the requirement that committees file  
5 campaign statements and reports for certain reporting periods, by certain deadlines, and including certain  
6 information.<sup>17</sup> A committee must file semi-annual campaign statements beginning in the period in which  
7 the committee qualified and continuing until the committee terminates.<sup>19</sup> A committee must file a semi-  
8 annual statement by January 31 for the period ending December 31 of the previous year, and by July 31  
9 for the period ending June 30.<sup>20</sup> Whenever the deadline falls on a Saturday, Sunday or official state  
10 holiday, the filing deadline for a statement shall be extended to the next regular business day.<sup>21</sup>

### 11 Pre-election Campaign Statements

12 The Act requires candidates appearing on the ballot at the next election and their controlled  
13 committees to file pre-election campaign statements.<sup>18</sup> A committee must file a first pre-election  
14 campaign statement no later than 40 days before the election for the reporting period ending 45 days  
15 before the election. A committee must file a second pre-election statement no later than 12 days before  
16 the election for the reporting period ending 17 days before the election.<sup>15</sup>

17 In connection with the November 7, 2017 General Election, the first pre-election campaign  
18 statement was due by September 28, 2017 and covered the reporting period of July 1, 2017 through  
19 September 23, 2017. The second pre-election campaign statement was due by October 26, 2017 and  
20 covered the reporting period of September 24, 2017 through October 21, 2017. If a person has not  
21 previously filed a campaign statement, the period covered begins on January 1.”<sup>19</sup>

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23 <sup>17</sup> Sections 84200, *et seq.*

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

25 <sup>20</sup> Section 84200.

26 <sup>21</sup> Regulation 18116, subd. (a).

27 <sup>18</sup> Section 84200.5, subd. (a)(1).

28 <sup>15</sup> Sections 84200.8.

<sup>19</sup> Section 82046, subd. (b).



1 Multiple Candidate-Controlled Committees

2 If a candidate controls more than one committee, they are required to file campaign statements  
3 for each controlled committee on the dates the candidate or elected official is required to file statements  
4 in connection with the office sought.<sup>20</sup>

5 One Designated Campaign Bank Account

6 Upon the filing of a candidate statement of intention, the candidate must establish one campaign  
7 contribution account at an office of a financial institution located in the state.<sup>21</sup> All contributions or loans  
8 made to the candidate must be deposited in the account.<sup>22</sup> Any personal funds which will be utilized to  
9 promote the election of the candidate must first be deposited in the account prior to expenditure.<sup>23</sup> All  
10 campaign expenditures must be made from the account.<sup>24</sup>

11 Requirements for Mass Mailings

12 A “mass mailing” is defined by the Act to mean over two hundred substantially similar pieces of  
13 mail.<sup>25</sup> Candidates and committees are required to include the name, street address, and city of the  
14 candidate or committee on the outside of each piece of a mass mailing.<sup>26</sup>

15 Candidate and Treasurer Liability

16 Any person who has a filing or reporting obligation and who violates the Act shall be liable.<sup>27</sup>  
17 Under the Act, it is a duty of the candidate and the treasurer of a controlled committee to ensure that the  
18 committee complies with all the requirements of the Act concerning the receipt, expenditure, and  
19 reporting of funds.<sup>28</sup> The candidate and treasurer may be held jointly and severally liable, along with the  
20  
21

22 \_\_\_\_\_  
23 <sup>20</sup> Regulation 18405, subd. (a).

24 <sup>21</sup> Section 85201, subd. (a).

25 <sup>22</sup> Section 85201, subd. (c).

26 <sup>23</sup> Section 85201, subd. (d).

27 <sup>24</sup> Section 85201, subd. (e).

28 <sup>25</sup> Section 82041.5.

<sup>26</sup> Section 84305.

<sup>27</sup> Section 83116.5.

<sup>28</sup> Sections 81004, 84100, 84104, and 84213; Regulation 18427.

1 committee, for violations committed by the committee.<sup>29</sup> When the Commission determines a violation  
2 has occurred, the Commission may issue an order that the Respondent pay up to \$5,000 per violation.<sup>30</sup>

### 3 **SUMMARY OF THE EVIDENCE**

4 Fangary ran unsuccessfully for Hermosa Beach City Council in 2011. He was successful in his  
5 run for the same office in 2013 and was successfully re-elected during the November 7, 2017 election.  
6 Fangary is presently in office and will be up for re-election in 2022. The Enforcement Division’s  
7 investigation involved both the 2013 and 2017 Committee, as both Committees were found to have failed  
8 to timely file campaign statements. To date, the 2013 Committee, 2017 Committee, Fangary, and D.  
9 Fangary have failed to bring either committee into compliance in regard to the delinquent campaign  
10 statements.

#### 11 2013 Committee

12 Fangary filed a Statement of Organization with the Secretary of State (“SOS”) on August 5, 2011  
13 for the committee, “Friends of H. Fangary for Hermosa Beach City Council 2011.” The committee was  
14 assigned the identification number, 1370442. After Fangary was unsuccessful at the 2011 election,  
15 Fangary filed an amended Statement of Organization on February 2, 2012 and listed D. Fangary as the  
16 treasurer to replace a prior individual. Fangary later re-designated the committee for the 2013 election by  
17 filing an amended Statement of Organization on September 13, 2013 and he renamed the committee as  
18 appropriate.

19 The last statement filed by the 2013 Committee was for the reporting period of July 1, 2016  
20 through December 31, 2016 and reported that the 2013 Committee had a cash balance of \$11,317. No  
21 other statements have been filed. According to bank records obtained pursuant to this investigation, the  
22 2013 Committee continues to have funds available. As of February 28, 2018, the 2013 Committee had at  
23 least \$6,301 on deposit. The final disposition of these funds is unknown.

24  
25  
26 <sup>29</sup> Sections 83116.5 and 91006.

<sup>30</sup> Section 83116.

As Fangary has failed to terminate this committee, the 2013 Committee continues to have a filing obligation. When the controlling candidate, Fangary, is on the ballot, the 2013 Committee has a duty to timely file pre-election campaign statements. At all other times, the 2013 Committee has a duty to timely file semi-annual campaign statements. In total, the 2013 Committee has failed to timely file the following campaign statements, within the last five years:

Type	Reporting Period	Date Due	Unreported Activity <sup>31</sup>
Semi-Annual	01/01/2017 to 06/30/2017	07/31/2017	\$200 expenditure
Pre-Election	07/01/2017 to 09/23/2017	09/28/2017	\$0
Pre-Election	09/24/2017 to 10/21/2017	10/26/2017	\$0
Semi-Annual	10/22/2017 to 12/31/2017	01/31/2018	\$0
Semi-Annual	01/01/2018 to 06/30/2018	07/31/2018	Unknown
Semi-Annual	07/01/2018 to 12/31/2018	01/31/2019	Unknown
Semi-Annual	01/01/2019 to 06/30/2019	07/31/2019	Unknown
Semi-Annual	07/01/2019 to 12/31/2019	01/31/2020	Unknown
Semi-Annual	01/01/2020 to 06/30/2020	07/31/2020	Unknown

#### 2017 Committee

Fangary filed a Statement of Organization with SOS on August 14, 2017 for the committee, H. S. Fangary for City Council, in connection with his 2017 re-election campaign for Hermosa Beach City Council. The SOS assigned the committee identification number, 1398222. At that time, Fangary indicated that the committee had not yet qualified. An amendment was filed with SOS on October 26, 2017, indicating a qualification date of August 30, 2017 and providing the information to locate the campaign bank account.

The 2017 Committee failed to timely file the first pre-election campaign statement. The statement, due on September 28, 2017, was not filed until October 19, 2017. The second pre-election statement was

<sup>31</sup> According to the 2013 Committee bank account records.



1 timely filed. However, after this statement, no other campaign statement has been filed for this  
2 committee. The last filed campaign statement reported a cash balance of \$4,330. According to bank  
3 records obtained pursuant to this investigation, the 2017 Committee continues to have funds available.  
4 As of February 28, 2018, the 2017 Committee had at least \$4,895 on deposit. The final disposition of  
5 these funds is unknown.

6 As Fangary has failed to terminate this committee, the 2017 Committee continues to have a filing  
7 obligation. The 2017 Committee has a duty to timely file semi-annual campaign statements. In total, the  
8 2017 Committee has failed to timely file the following campaign statements:

Type	Reporting Period	Date Due	Unreported Activity <sup>32</sup>
Semi-Annual	10/22/2017 to 12/31/2017	01/31/2018	\$2,300 in contributions \$4,340 in expenditures
Semi-Annual	01/01/2018 to 06/30/2018	07/31/2018	\$13,000 in contributions \$12,094 in expenditures
Semi-Annual	07/01/2018 to 12/31/2018	01/31/2019	Unknown
Semi-Annual	01/01/2019 to 06/30/2019	07/31/2019	Unknown
Semi-Annual	07/01/2019 to 12/31/2019	01/31/2020	Unknown
Semi-Annual	01/01/2020 to 06/30/2020	07/31/2020	Unknown

18 In total, by reviewing both filed campaign statements, bank records, and PayPal records, the  
19 Enforcement Division determined that the 2017 Committee raised approximately \$14,333 in  
20 contributions and made approximately \$8,093 in expenditures although the exact figure is unknown due  
21 to lack of complete committee records provided.

22 In addition to late filing, the Enforcement Division determined that the 2017 Committee failed to  
23 utilize a designated campaign bank account for the deposit of all contributions and for all expenditures.  
24 Campaign statements reported a number of contributions and payments made that were not made through  
25

26 <sup>32</sup> According to the 2017 Committee bank account records and PayPal Records.

1 the campaign bank account. Fangary provided some, but not all records from his personal PayPal account  
2 to verify what he had reported on the first two pre-election statements. In a statement to the investigator,  
3 Fangary acknowledged that funds were comingled with his personal funds. He indicated which  
4 transactions were personal and which were campaign related by highlighting the statements. The  
5 Enforcement Division estimates that up to \$2,500 in contributions were received outside the designated  
6 bank account and approximately \$4,199 in expenditures were made outside the designated bank account.

7 The Enforcement Division determined that a mass mailing included the disclosure statement,  
8 "Paid for by H.S. Fangary for City Council 2017, FPPC ID#1398222" but lacked the required address  
9 for the committee. Fangary received notice of this deficiency in disclosure on or around October 16, 2017  
10 due to the sworn complaint. Subsequent mass mailings had the correct disclosure.

## 11 VIOLATIONS

### 12 As to the 2013 Committee, Fangary, and D. Fangary only,

#### 13 Count 1: Failure to Timely File a Semi-Annual Campaign Statement

14 The 2013 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
15 statement for the reporting period of January 1, 2017 through June 30, 2017 by the deadline of July 31,  
16 2017, in violation of Government Code Section 84200.

#### 17 Count 2: Failure to Timely File a Pre-Election Campaign Statement

18 The 2013 Committee, Fangary, and D. Fangary failed to timely file a pre-election campaign  
19 statement for the reporting period of July 1, 2017 through September 23, 2017 by the deadline of  
20 September 28, 2017, in violation of Government Code Section 84200.5 and 84200.8.

#### 21 Count 3: Failure to Timely File a Pre-Election Campaign Statement

22 The 2013 Committee, Fangary, and D. Fangary failed to timely file a pre-election campaign  
23 statement for the reporting period of September 24, 2017 through October 21, 2017 by the deadline of  
24 October 26, 2017, in violation of Government Code Section 84200.5 and 84200.8.

25  
26 //



1 **As to the 2017 Committee, Fangary, and D. Fangary only,**

2 Count 10: Failure to Timely File a Pre-Election Campaign Statement

3 The 2017 Committee, Fangary, and D. Fangary failed to timely file a pre-election campaign  
4 statement for the reporting period of January 1, 2017 through September 23, 2017 by the deadline of  
5 September 28, 2017, in violation of Government Code Section 84200.5 and 84200.8.

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

7 The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
8 statement for the reporting period of October 22, 2017 through December 31, 2017 by the deadline of  
9 January 31, 2018, in violation of Government Code Section 84200.

10 Count 12: Failure to Timely File a Semi-Annual Campaign Statement

11 The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
12 statement for the reporting period of January 1, 2018 through June 30, 2018 by the deadline of July 31,  
13 2018, in violation of Government Code Section 84200.

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

15 The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
16 statement for the reporting period of July 1, 2018 through December 31, 2018 by the deadline of January  
17 31, 2019, in violation of Government Code Section 84200.

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

19 The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
20 statement for the reporting period of January 1, 2019 through June 30, 2019 by the deadline of July 31,  
21 2019, in violation of Government Code Section 84200.

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

23 The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
24 statement for the reporting period of July 1, 2019 through December 31, 2019 by the deadline of January  
25 31, 2020, in violation of Government Code Section 84200.

26 //



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

2                   The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
3 statement for the reporting period of January 1, 2020 through June 30, 2020 by the deadline of July 31,  
4 2020, in violation of Government Code Section 84200.

5                   Count 17: Failure to Utilize a Single, Designated Campaign Bank Account

6                   The 2017 Committee, Fangary, and D. Fangary failed to utilize a single, designated campaign  
7 bank account for all contributions and all deposits, in violation of Government Code Section 85201.

8                   Count 18: Failure to Include Complete Disclosure on a Mass Mailing

9                   The 2017 Committee, Fangary, and D. Fangary failed to include the address of the responsible  
10 committee on a mass mailing, in violation of Government Code Section 84305.

11                   **EXCULPATORY OR MITIGATING INFORMATION**

12                   The filing violations appear to be the result of negligence, as opposed to being deliberate or  
13 inadvertent acts. Respondents provided some, although not all, records, to support reporting, including  
14 records related to the transactions that occurred outside the designated campaign bank account.  
15 Respondents were generally cooperative in the investigation. After Fangary received notice of the lack  
16 of the committee address, all subsequent mass mailings including the correct and proper disclosure.

17                   **OTHER RELEVANT MATERIAL**

18                   The failure to timely file pre-election campaign statements and campaign statements causes public  
19 harm as it deprives the public of transparency in political spending during the crucial weeks prior to an  
20 election. The 2013 Committee and 2017 Committee remain open and have not filed required campaign  
21 disclosures, despite multiple requests for compliance. Fangary and D. Fangary demonstrate a pattern of  
22 failing to file campaign statements, having previously agreed to a streamline stipulation in 2014 for  
23 failing to file two pre-election campaign statements in connection with the 2013 General Election.

24  
25  
26 //

1 **CONCLUSION**

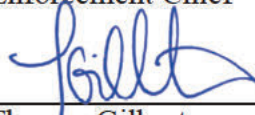
2 Probable cause exists to believe that the 2013 Committee, the 2017 Committee, Fangary, and D.  
3 Fangary violated the Act as described above. The Enforcement Division respectfully requests an order  
4 finding probable cause pursuant to Section 83115.5 and Regulation 18361.4.

5  
6 Dated: February 4, 2021

7  
8 Respectfully Submitted,

9 **FAIR POLITICAL PRACTICES COMMISSION**

10 Angela J. Brereton  
11 Enforcement Chief



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

# PROBABLE CAUSE REPORT CHECKLIST

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## 1. YOUR PROCEDURAL OPTIONS

- Request to have a Probable Cause Conference.
  - If you would like a conference, then no later than 21 calendar days following service of the Probable Cause Report, or the date records were sent, you may request a Probable Cause Conference with the Commission Assistant by email at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or U.S. mail at 1102 Q Street, Suite 3000, Sacramento, CA 95811.
  - You may appear on your own behalf or obtain counsel to represent you.
  - You may request to appear in-person, or remotely.
  - **PLEASE NOTE:** Failure to respond timely results in a waiver of your rights to further probable cause proceedings and the Enforcement Division may transmit copies of the Probable Cause Report, Request for a Finding of Probable Cause, and Order that an Accusation be Prepared to the Commission Assistant requesting that a hearing officer from the Legal Division find probable cause based on the information provided. Upon a finding of probable cause, the hearing officer will issue an Order Finding Probable Cause and serve it on all parties.
- Respond to the Probable Cause Report in Writing.
  - No later than 21 calendar days following service of the Probable Cause Report, or the date records were sent to you, you may submit a written response to the Probable Cause Report. The response should contain a summary of law and evidence that supports a finding that the Probable Cause Report fails to establish probable cause that any or all of the alleged violations of the Act occurred.
  - Any response needs to be filed with the Commission Assistant by email at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or U.S. mail at 1102 Q Street, Suite 3000, Sacramento, CA 95811.
  - Rebuttal. Not later than 14 calendar days following the date your response was filed with the Commission Assistant, Enforcement Division staff may submit a rebuttal to your response which shall be filed with the Commission Assistant, who will provide a copy to all parties.
- Request Records.
  - Within 21 calendar days following the service of the Probable Cause Report, you may request by email at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or U.S. mail, a copy of all records in the possession of the Enforcement Division obtained for purposes of the investigation that are not readily available public records or otherwise in your possession.
- Request Attendance of Witnesses.
  - Any party may send a request to the Commission Assistant, at least 7 days before the Probable Cause Conference, that the hearing officer allow witnesses to participate in the Probable Cause Conference.
  - The request shall identify each witness, summarize the subject of the witness's testimony, and be sent to all parties.

Fill out the below checklist and send a copy to the Commission Assistant by email at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or by mail to: 1102 Q Street, Suite 3000, Sacramento, CA 95811.

## 2. ABOUT YOU

- Name:
- Case Number:
- Enforcement Attorney handling this case:
- Preferred contact method (select one): Phone: \_\_\_ Email: \_\_\_ Other: \_\_\_
- Please provide the information below for contact:
  - Phone:
  - Email:
  - Other:
  
- List dates over the next 4 months in which you are unavailable for a Probable Cause Conference: \_\_\_\_\_
- Preferred service of documents method (select one): Mail: \_\_\_ Email: \_\_\_ Other: \_\_\_
- Please provide the information below for service:
  - Mail:
  - Email:
  - Other:

### **Please check all that apply:**

- I request to have a Probable Cause Conference.
- I will be appearing (select one): In-person: \_\_\_ Remote: \_\_\_
- I intend to submit a written response to the Probable Cause Report.
- I am requesting a copy of the records the Enforcement Division obtained for purposes of the investigation.
- I intend to have witnesses appear at the Probable Cause Conference. I will submit a request (separate from, and in addition to, this checklist) to the Commission Assistant at least 7 days before the Probable Cause Conference, that identifies each witness, summarizes the subject of the witness's testimony, and is sent to all parties.

## **PROBABLE CAUSE FACT SHEET**

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### **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 a unique, informal proceeding, 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 evidence indicating a violation alleged in the report did not occur;
- b) The opportunity to request records, 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 written summary of the law and evidence that supports a finding of probable cause that each alleged violation of the Act has occurred, as well as a description of any exculpatory evidence indicating a violation alleged in the report did not occur. It is filed with the Hearing Officer.

## **Records**

Within 21 calendar days following the service of the probable cause report, you may request all records in the possession of the Enforcement Division obtained for purposes of that investigation that are not readily available public records or otherwise in the possession of the requesting respondent. Records that are confidential, were received in response to an administrative subpoena, or otherwise contain protected information, will be withheld.

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

## **Response to Probable Cause Report**

Within 21 calendar days following the service of the probable cause report or, within 21 calendar days from the service of the records, you may submit a response to the Report. By regulation, the written response should contain, "... a summary of law and evidence, that supports a finding that the probable cause report fails to establish probable cause that any or all of the alleged violations of the Act occurred."<sup>2</sup>

You must file your response with the Commission Assistant.

## **Staff Reply**

Not later than 14 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 the alleged violator files with the Commission a written request that the proceeding be 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.

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

<sup>2</sup> 2 CCR § 18361.4, subd. (d)(1).

The Hearing Officer will find probable cause to exist when the evidence sufficiently supports a reasonable belief or strong suspicion that the Act has been violated.<sup>3</sup>

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

Every reasonable effort is made to accommodate the schedules of parties and counsel (filling out the attached Probable Cause Checklist aides in this effort). The conference shall proceed no later than 75 days after receipt by the Commission Assistant of the filed request for a probable cause conference, or 75 days after the date records are sent, unless the assigned hearing officer extends the time for good cause based on an extension request filed by any party with the Commission Assistant.

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

If the Hearing Officer finds probable cause, he will issue a Finding of Probable Cause, which will be publicly announced which includes the posting of a summary of the allegations on the Commission's website. An Accusation will be issued soon after the Finding of Probable Cause is publicly announced.

### **Settlements**

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

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



## CALIFORNIA GOVERNMENT CODE

### Probable Cause Statutes

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

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

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

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

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

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

**Probable Cause Regulations**

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

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

**§ 18361.4. Probable Cause Proceedings**

(a) Probable Cause. Under Sections 83115.5 and 83116, probable cause exists when the evidence sufficiently supports a reasonable belief or strong suspicion that the Act has been violated.

(b) Probable Cause Report. To commence probable cause proceedings pursuant to Sections 83115.5 and 83116, the Chief of Enforcement shall direct Enforcement Division staff to prepare a probable cause report that contains a written summary of the law and evidence that supports a finding of probable cause that each alleged violation of the Act has occurred, as well as a description of any exculpatory evidence indicating a violation alleged in the report did not occur. The probable cause report may include hearsay evidence, including declarations of investigators or others relating the statements of witnesses or concerning the examination of physical evidence.

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

- (1) A copy of the probable cause report;
- (2) Notification that each respondent has the right to respond in writing to the probable cause report and to request a probable cause conference at which the respondent may be present in person and represented by counsel, notification of all deadlines to file a written response, and request a probable cause conference;
- (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; and
- (4) A probable cause checklist form which includes information regarding a respondent's options for a probable cause conference, written response, and evidence, as well as the respondent(s) best contact information, available dates, and preferred method of service.

(d) Response to Probable Cause Report; Request for Probable Cause Conference; Waiver.

- (1) Not later than 21 calendar days following service of the probable cause report, or the date records were sent pursuant to (d)(3), a respondent may submit a written response to the probable cause report. The response should contain a summary of law and evidence that supports a finding that the probable cause report fails to establish probable cause that any or all of the alleged violations of the Act occurred. Any response shall be filed with the

Commission Assistant by electronic mail at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or U.S. mail, who will send a copy, to all parties named in the probable cause report within 2 business days.

(2)

(A) Not later than 21 calendar days following service of the probable cause report, or the date records were sent pursuant to subdivision (d)(3), any respondent may request a probable cause conference which shall be filed with the Commission Assistant by electronic mail at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or U.S. mail, who will provide a copy to all other parties named in the probable cause report and forward the request to the hearing officer assigned to the matter from the Legal Division within two business days. The Commission Assistant shall schedule the probable cause conference and if the probable cause checklist has not been returned, make efforts to obtain the information from the respondent(s).

(B) If a respondent requests a probable cause conference later than 21 days following service of the probable cause report or the date records were sent pursuant to subdivision (d)(3), the assigned hearing officer may grant the request based on good cause, including a showing by respondent that they did not timely receive the probable cause report after it was served, or some other circumstance reasonably justifying respondent's failure to timely request the hearing. However, no late request for a probable cause conference shall be granted if the assigned hearing officer has already issued an order for an Accusation to be served on the respondent.

(C) The conference shall proceed no later than 75 days after receipt by the Commission Assistant of the filed request for a probable cause conference, or 75 days after the date records are sent pursuant to subdivision (d)(3), unless the assigned hearing officer extends the time for good cause based on an extension request filed by any party with the Commission Assistant. If respondent requests a probable cause conference but the probable cause conference does not timely proceed, the Commission assistant shall set a probable cause conference to occur within 14 calendar days and provide notice of the conference to all parties. The hearing officer shall conduct the conference informally.

(3) Within 21 calendar days following the service of the probable cause report, a respondent may request by electronic mail at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) or U.S. mail a copy of all records in the possession of the Enforcement Division obtained for purposes of that investigation that are not readily available public records or otherwise in the possession of the requesting respondent, except records that it claims are confidential, were received in response to an administrative subpoena, or otherwise contain protected information, as required in subdivision (d)(3)(B). For purposes of this subdivision, the term "readily available public records" includes any statements, reports or other records available to the public in electronic format on a government agency website.

(A) The Enforcement Division will provide copies of the requested records upon payment of a fee for direct costs of duplication or provide electronically without cost. The Enforcement Division shall provide such records by electronic mail or U.S. mail 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 the evidence is sent. The records produced by the Enforcement Division pursuant to this subdivision shall be considered the final production at the Probable Cause level and is not appealable.

(B) If requested by respondent, the Enforcement Division shall provide a description of records withheld, which shall include the following information:

- (i) the date of the record;
- (ii) the identity of the author(s);
- (iii) the identity of the recipient(s);
- (iv) the specific ground for which the objection to produce the record is made; and
- (v) the current location of the record.

(4) If a respondent fails to file a timely response, make a timely request for a probable cause conference, or appear for a probable cause conference, the respondent waives the right to further probable cause proceedings under Section 83115.5, and the Enforcement Division may transmit copies of the Probable Cause Report, Request for a Finding of Probable Cause, and Order that an Accusation be Prepared to the Commission Assistant requesting that a hearing officer from the Legal Division find probable cause based on the information provided. Upon a finding of probable cause, the hearing officer will issue an Order Finding Probable Cause and serve it on all parties.

(5) The hearing officer may extend any of the time limits in subdivision (d) if good causes exists.

(e) Rebuttal. Not later than 14 calendar days following the date the response was filed with the Commission Assistant, Enforcement Division staff may submit any evidence or argument in rebuttal to the response which shall be filed with the Commission Assistant by electronic mail at [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) who will provide a copy to all parties. These are the only briefings to be considered by the hearing officer when making the determination of probable cause.

(f) Probable Cause Conference. The conference shall be closed to the public unless a respondent requests, and all other respondents agree, to a public conference. If the conference is not public, then only the parties named in the probable cause report, their legal counsel or representative and Enforcement Division staff shall have the right to be present and participate. Any party may send a request to the Commission Assistant at least 7 days before the probable cause conference that the hearing officer allow witnesses to participate in the probable cause conference. The request shall identify each witness and summarize the subject of the witness's testimony, and be sent to all parties. The hearing officer, in making this determination, 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, then the conference may be conducted in whole or in part by telephone or videoconference. The Enforcement Division shall record the probable cause conference. The hearing officer may determine whether there is probable cause based solely on the probable cause report, any responses or rebuttals, evidence submitted, and any arguments presented at the probable cause conference by the parties. The hearing officer may, based on a showing of good cause, permit any party to submit additional evidence at or after the probable cause conference if the additional evidence is summarized at the probable cause conference. Only evidence that confirms or disproves a statement made at the probable cause conference may be submitted after the conference.

(g) Finding of Probable Cause. A finding of probable cause by the hearing officer does not

constitute a finding that a violation occurred. The hearing officer shall not make a finding of probable cause if presented with clear and convincing evidence that, at least 21 working days prior to the alleged violation, the respondent requested written advice from the Commission staff pursuant to Section 83114(b), disclosed truthfully all the material facts, and committed the acts complained of in reliance on formal advice of Commission staff or because of Commission staff's failure to provide advice. If the hearing officer makes a finding of probable cause, then 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.

### **§ 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 B



**PROOF OF SERVICE**

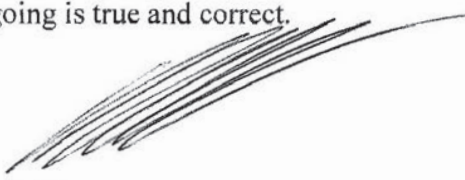
STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I, the undersigned, am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is: 4733 Torrance Blvd., # 322 Torrance, CA 90503-4100.

On March 13, 2021, at 5:24 p.m., at 730 The Strand, Hermosa Beach, CA 90254, I served the documents described as: Cover letter dated February 4, 2021; REPORT IN SUPPORT OF A FINDING OF PROBABLE CAUSE; PROVABLE CAUSE REPORT CHECKLIST; PROBABLE CAUSE FACT SHEET; CALIFORNIA GOVERNMENT CODE; REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION TITLE 2, DIVISION 6 OF THE CALIFORNIA CODE OF REGULATIONS, on HANY S. FANGARY, by personally handing him the documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Luis A. Martinez

California Registered Process Server  
Los Angeles County reg. # 3456



**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 February 9, 2021, I served the following document(s):

1. Letter dated February 4, 2021, from Theresa Gilbertson;
2. FPPC No. 18/00005 Report in Support of a Finding of Probable Cause;
3. PC Checklist
4. Probable Cause Fact Sheet;
5. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
6. 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.

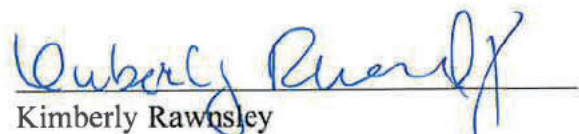
**SERVICE LIST**

**Certified Mail, Return Receipt Requested**

Hany S. Fangary  
730 The Strand  
Hermosa Beach, CA 90254

Dina Fangary  
730 The Strand  
Hermosa Beach, CA 90254

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 9, 2021.

  
\_\_\_\_\_  
Kimberly Rawnsley

7019 2970 0001 4027 7141

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL® RECEIPT</b> Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ™.	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$ _____	Postmark Here
<b>Extra Services &amp; Fees (check box, add fee as appropriate)</b> <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
<b>Total Postage and Fees</b> \$ _____	
Sent To <u>Dina Fangary</u> Street and Apt. No., or PO Box No. <u>130 The Strand</u> City, State, ZIP+4® <u>Hammock Beach CA 90254</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2970 0001 4027 7134

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL® RECEIPT</b> Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ™.	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$ _____	Postmark Here
<b>Extra Services &amp; Fees (check box, add fee as appropriate)</b> <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
<b>Total Postage and Fees</b> \$ _____	
Sent To <u>Hany Fangary</u> Street and Apt. No., or PO Box No. <u>130 The Strand</u> City, State, ZIP+4® <u>Hammock Beach CA 90254</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

**Certified Mail service provides the following benefits:**

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

**Important Reminders:**

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for International mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).

- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

**IMPORTANT:** Save this receipt for your records.

**Certified Mail service provides the following benefits:**

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

**Important Reminders:**

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for International mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).

- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

**IMPORTANT:** Save this receipt for your records.



USPS TRACKING #



9590 9402 6097 0125 5946 02



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

United States  
Postal Service

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

Fair Political Practices Commission  
Attn: Theresa Gilbertson  
1102 a Street, Ste 3000  
Sacramento, CA 95811

2021 FEB 16 PM 2:38

RECEIVED  
FAIR POLITICAL  
PRACTICES COMMISSION



**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:

Dina Fargany  
730 The Strand  
Hemosa Beach, CA 90254



9590 9402 6097 0125 5946 02

2. Article Number (Transfer from service label)

7019 2970 0001 4027 7141

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
**X**  Addressee

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

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

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery (all Restricted Delivery)	

Domestic Return Receipt

**Exhibit A-5**

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3  
4 In the Matter of ) FPPC No. 2018-00005  
5 )  
6 FRIENDS OF H. FANGARY FOR ) FINDING OF PROBABLE CAUSE AND  
HERMOSA BEACH CITY COUNCIL ) ORDER TO PREPARE AND SERVE AN  
2013, H. S. FANGARY FOR CITY ) ACCUSATION  
COUNCIL 2017, DINA FANGARY, AND )  
7 HANY S. FANGARY, ) Gov. Code § 83115.5  
8 Respondent. )

9 By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation  
10 Be Prepared and Served, dated April 8, 2021, the Enforcement Division submitted the above-entitled  
11 matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request  
12 for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served (“Ex Parte  
13 Request”), the Enforcement Division served a Report in Support of a Finding of Probable Cause (“PC  
14 Report”) on Respondents Friends of H. Fangary for Hermosa Beach City Council 2013 (“2013  
15 Committee”), H. S. Fangary for City Council 2017 (“2017 Committee”), and Hany S. Fangary (“Fangary”)  
16 by personal service on March 13, 2021 and on Dina Fangary (“D. Fangary”) by February 16, 2021 by  
17 certified mail, return receipt requested. Accompanying the PC Report was a packet of materials that  
18 informed the Respondents of their right to file a written response to the PC Report and to request a probable  
19 cause conference within 21 days following service of the PC Report, or transmittal of any requested  
20 records by the Enforcement Division. During the 21 days that followed service of the PC Report,  
21 Respondents did not file a response to the PC Report, request records, or request a probable cause  
22 conference. Pursuant to California Code of Regulations title 2, section 18361.4,<sup>1</sup> determination of  
23 probable cause may be made solely on papers submitted when the respondent does not request a probable  
24 cause conference.

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

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

5 Probable cause to believe a violation has occurred can be found to exist when “the evidence  
6 sufficiently supports a reasonable belief or strong suspicion that the Act has been violated. .”<sup>2</sup>

7 The PC Report served on Respondents 2013 Committee, 2017 Committee, Fangary, and D.  
8 Fangary and the subsequent Ex Parte Request in this matter alleges 18 violations of the Political Reform  
9 Act were committed, as follows:

10 **As to the 2013 Committee, Fangary, and D. Fangary only,**

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

12 The 2013 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
13 statement for the reporting period of January 1, 2017 through June 30, 2017 by the deadline of July 31,  
14 2017, in violation of Government Code Section 84200.

15 Count 2: Failure to Timely File a Pre-Election Campaign Statement

16 The 2013 Committee, Fangary, and D. Fangary failed to timely file a pre-election campaign  
17 statement for the reporting period of July 1, 2017 through September 23, 2017 by the deadline of  
18 September 28, 2017, in violation of Government Code Section 84200.5 and 84200.8.

19 Count 3: Failure to Timely File a Pre-Election Campaign Statement

20 The 2013 Committee, Fangary, and D. Fangary failed to timely file a pre-election campaign  
21 statement for the reporting period of September 24, 2017 through October 21, 2017 by the deadline of  
22 October 26, 2017, in violation of Government Code Section 84200.5 and 84200.8.

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

24 The 2013 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
25 statement for the reporting period of October 22, 2017 through December 31, 2017 by the deadline of  
26 January 31, 2018, in violation of Government Code Section 84200.

27 \_\_\_\_\_  
<sup>2</sup> Cal. Code Reg., tit. 2, § 18361.4, subd. (a).



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

2           The 2013 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
3 statement for the reporting period of January 1, 2018 through June 30, 2018 by the deadline of July 31,  
4 2018, in violation of Government Code Section 84200.

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

6           The 2013 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
7 statement for the reporting period of July 1, 2018 through December 31, 2018 by the deadline of January  
8 31, 2019, in violation of Government Code Section 84200.

9                   Count 7: Failure to Timely File a Semi-Annual Campaign Statement

10           The 2013 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
11 statement for the reporting period of January 1, 2019 through June 30, 2019 by the deadline of July 31,  
12 2019, in violation of Government Code Section 84200.

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

14           The 2013 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
15 statement for the reporting period of July 1, 2019 through December 31, 2019 by the deadline of January  
16 31, 2020, in violation of Government Code Section 84200.

17                   Count 9: Failure to Timely File a Semi-Annual Campaign Statement

18           The 2013 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
19 statement for the reporting period of January 1, 2020 through June 30, 2020 by the deadline of July 31,  
20 2020, in violation of Government Code Section 84200.

21                   **As to the 2017 Committee, Fangary, and D. Fangary only,**

22                   Count 10: Failure to Timely File a Pre-Election Campaign Statement

23           The 2017 Committee, Fangary, and D. Fangary failed to timely file a pre-election campaign  
24 statement for the reporting period of January 1, 2017 through September 23, 2017 by the deadline of  
25 September 28, 2017, in violation of Government Code Section 84200.5 and 84200.8.

26  
27 //

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

2           The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
3 statement for the reporting period of October 22, 2017 through December 31, 2017 by the deadline of  
4 January 31, 2018, in violation of Government Code Section 84200.

5                   Count 12: Failure to Timely File a Semi-Annual Campaign Statement

6           The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
7 statement for the reporting period of January 1, 2018 through June 30, 2018 by the deadline of July 31,  
8 2018, in violation of Government Code Section 84200.

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

10           The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
11 statement for the reporting period of July 1, 2018 through December 31, 2018 by the deadline of January  
12 31, 2019, in violation of Government Code Section 84200.

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

14           The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
15 statement for the reporting period of January 1, 2019 through June 30, 2019 by the deadline of July 31,  
16 2019, in violation of Government Code Section 84200.

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

18           The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
19 statement for the reporting period of July 1, 2019 through December 31, 2019 by the deadline of January  
20 31, 2020, in violation of Government Code Section 84200.

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

22           The 2017 Committee, Fangary, and D. Fangary failed to timely file a semi-annual campaign  
23 statement for the reporting period of January 1, 2020 through June 30, 2020 by the deadline of July 31,  
24 2020, in violation of Government Code Section 84200.

25                   Count 17: Failure to Utilize a Single, Designated Campaign Bank Account

26           The 2017 Committee, Fangary, and D. Fangary failed to utilize a single, designated campaign bank  
27 account for all contributions and all deposits, in violation of Government Code Section 85201.

28 //

1 Count 18: Failure to Include Complete Disclosure on a Mass Mailing

2 The 2017 Committee, Fangary, and D. Fangary failed to include the address of the responsible  
3 committee on a mass mailing, in violation of Government Code Section 84305.

4 Based on the Ex Parte Request given to me, I find that notice has been given to the 2013  
5 Committee, 2017 Committee, Fangary, and D. Fangary<sup>3</sup> I further find, based on the PC Report and the Ex  
6 Parte Request, that there is probable cause to believe that the 2013 Committee, 2017 Committee, Fangary,  
7 and D. Fangary violated the Political Reform Act as alleged in Counts 1-18, as identified above.

8 I therefore direct that the Enforcement Division issue an accusation against the 2013 Committee,  
9 2017 Committee, Fangary, and D. Fangary in accordance with this finding.

10 IT IS SO ORDERED.

11  
12 Dated: April 14, 2021

/s/ John M. Feser Jr.

13  
14 Hearing Officer  
15 Fair Political Practices Commission  
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28 <sup>3</sup> Government Code § 83115.5; Cal. Code Reg., tit. 2, §18361.4, subd. (c).

**FPPC No. 2018-00005, In the matter of Friends of H. Fangary for Hermosa Beach City Council  
2013, H. S. Fangary for City Council 2017, Dina Fangary, and Hany S. Fangary**

**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**

Hany S. Fangary  
730 The Strand  
Hermosa Beach, CA 90254

Dina Fangary  
730 The Strand  
Hermosa Beach, CA 90254

**(By Personal Service) On Monday, April 19, 2021, at approximately 4:00 p.m., I personally served:**

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

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document is executed at Sacramento, California, on April 19, 2021.



Sasha Linker

**Exhibit A-6**

1 ANGELA J. BRERETON  
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 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**  
9 **STATE OF CALIFORNIA**  
10

11 In the Matter of: ) FPPC No. 2018-00005  
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14 ) **ACCUSATION**  
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Respondents. )

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

20 **JURISDICTION**

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

23 2. The authority to bring this action is derived from Title 2, California Code of Regulations,  
24 Sections 18361 and 18361.4, subdivision (g), 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 3. When enacting the Political Reform Act (the “Act”),<sup>1</sup> California voters specifically found  
2 and declared that previous laws regulating political practices had suffered from inadequate enforcement,  
3 and it was their purpose to ensure that the Act be vigorously enforced.<sup>2</sup>

4 4. To that end, Section 81003 requires that the Act be liberally construed to achieve its  
5 purposes.

6 5. One of the stated purposes of the Act is to ensure that receipts and expenditures in election  
7 campaigns are fully and truthfully disclosed so that voters are fully informed and improper practices are  
8 inhibited.<sup>3</sup> Another purpose is to provide adequate enforcement mechanisms so that the Act will be  
9 “vigorously enforced.”<sup>4</sup>

10 **RESPONDENTS**

11 6. Respondent Hany S. Fangary (“Fangary”) was a member of the Hermosa Beach City  
12 Council until January 4, 2021.

13 7. Fangary is the controlling candidate of two recipient committees, Friends of H. Fangary  
14 for Hermosa Beach City Council 2013 (“2013 Committee”) and H. S. Fangary for City Council 2017  
15 (“2017 Committee”).

16 8. Dina Fangary (“D. Fangary”) is the treasurer of record at all relevant times for both  
17 committees.

18 **APPLICABLE LAW**

19 9. All applicable law in this Accusation is the law as it existed during the relevant time for  
20 the violations alleged.

21 **A. Committee**

22 10. Under the Act, a “committee” includes any person or combination of persons who receive  
23 contributions totaling \$2,000 or more in a calendar year.<sup>5</sup> Prior to 2016, the amount to qualify as a  
24

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

<sup>2</sup> Sections 81001, subdivision (h), and 81002, subdivision (f).

<sup>3</sup> Section 81002, subdivision (a).

<sup>4</sup> Section 81002, subdivision (f).

<sup>5</sup> Section 82013, subdivision (a).



1 committee was \$1,000.<sup>6</sup> This type of committee is commonly referred to as a “recipient committee.” A  
2 recipient committee controlled by a candidate is called a controlled committee.

3 **B. Duty to File Semi-Annual Campaign Statements**

4 11. At the core of the Act’s campaign reporting system is the requirement that committees file  
5 campaign statements and reports for certain reporting periods, by certain deadlines, and including certain  
6 information.<sup>7</sup>

7 12. A committee must file semi-annual campaign statements beginning in the period in which  
8 the committee qualified and continuing until the committee terminates.<sup>8</sup> A committee must file a semi-  
9 annual statement by January 31 for the period ending December 31 of the previous year, and by July 31  
10 for the period ending June 30.<sup>9</sup>

11 **C. Duty to File Pre-Election Campaign Statements**

12 13. The Act requires candidates appearing on the ballot at the next election and their controlled  
13 committees to file pre-election campaign statements.<sup>10</sup> A committee must file a first pre-election campaign  
14 statement no later than 40 days before the election for the reporting period ending 45 days before the  
15 election. A committee must file a second pre-election statement no later than 12 days before the election  
16 for the reporting period ending 17 days before the election.<sup>11</sup>

17 14. In connection with the November 7, 2017 General Election, the first pre-election campaign  
18 statement was due by September 28, 2017 and covered the reporting period of July 1, 2017 through  
19 September 23, 2017. The second pre-election campaign statement was due by October 26, 2017 and  
20 covered the reporting period of September 24, 2017 through October 21, 2017.

21 15. If a person has not previously filed a campaign statement, the period covered begins on  
22 January 1.”<sup>12</sup>

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25 <sup>6</sup> Section 82013, subd. (a) (2011-2015).

26 <sup>7</sup> Sections 84200, *et seq.*

27 <sup>8</sup> Section 84200, subd. (a).

28 <sup>9</sup> Section 84200.

<sup>10</sup> Section 84200.5, subd. (a)(1).

<sup>11</sup> Sections 84200.8.

<sup>12</sup> Section 82046, subd. (b).

1 **D. Multiple Candidate-Controlled Committees**

2 16. If a candidate controls more than one committee, they are required to file campaign  
3 statements for each controlled committee on the dates the candidate or elected official is required to file  
4 statements in connection with the office sought.<sup>13</sup>

5 **E. One Designated Campaign Bank Account**

6 17. Upon the filing of a candidate statement of intention, the candidate must establish one  
7 campaign contribution account at an office of a financial institution located in the state.<sup>14</sup> All contributions  
8 or loans made to the candidate must be deposited in the account.<sup>15</sup>

9 18. Any personal funds which will be utilized to promote the election of the candidate must  
10 first be deposited in the account prior to expenditure.<sup>16</sup> All campaign expenditures must be made from the  
11 account.<sup>17</sup>

12 **F. Requirements for Mass Mailings**

13 19. A “mass mailing” is defined by the Act to mean over two hundred substantially similar  
14 pieces of mail.<sup>18</sup> Candidates and committees are required to include the name, street address, and city of  
15 the candidate or committee on the outside of each piece of a mass mailing.<sup>19</sup>

16 **G. Factors to be Considered by the Fair Political Practices Commission**

17 20. In framing a proposed order following a finding of a violation pursuant to Government  
18 Code Section 83116, the Commission and the administrative law judge shall consider all the surrounding  
19 circumstances including but not limited to the following factors set forth in Regulation 18361.5  
20 subdivision (e)(1) through (8): (1) The extent and gravity of the public harm caused by the specific  
21 violation; (2) The level of experience of the violator with the requirements of the Political Reform Act;  
22 (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence or absence of  
23 any intention to conceal, deceive or mislead; (5) Whether the violation was deliberate, negligent or  
24 inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission staff or any

25 <sup>13</sup> Regulation 18405, subd. (a).

26 <sup>14</sup> Section 85201, subd. (a).

27 <sup>15</sup> Section 85201, subd. (c).

28 <sup>16</sup> Section 85201, subd. (d).

<sup>17</sup> Section 85201, subd. (e).

<sup>18</sup> Section 82041.5.

<sup>19</sup> Section 84305.

1 other governmental agency in a manner not constituting complete defense under Government Code  
2 Section 83114(b); (7) Whether the violation was isolated or part of a pattern and whether the violator has  
3 a prior record of violations of the Political Reform Act or similar laws; and (8) Whether the violator, upon  
4 learning of a reporting violation, voluntarily filed amendments to provide full disclosure.<sup>20</sup>

#### 5 GENERAL FACTS

6 21. Fangary ran unsuccessfully for Hermosa Beach City Council in 2011. He was successful  
7 in his run for the same office in 2013 and was successfully re-elected during the November 7, 2017  
8 election.

9 22. Fangary resigned from office as of January 4, 2021.

10 23. The Enforcement Division's investigation involved both the 2013 and 2017 Committee, as  
11 both Committees were found to have failed to timely file campaign statements.

12 24. To date, the 2013 Committee, 2017 Committee, Fangary, and D. Fangary have failed to  
13 bring either committee into compliance in regard to the delinquent campaign statements.

#### 14 **2013 Committee**

15 25. Fangary filed a Statement of Organization with the Secretary of State ("SOS") on August  
16 5, 2011 for the committee, "Friends of H. Fangary for Hermosa Beach City Council 2011." The SOS  
17 assigned the committee the identification number, 1340442.

18 26. After Fangary was unsuccessful at the 2011 election, Fangary filed an amendment to the  
19 Statement of Organization on February 2, 2012 and listed D. Fangary as the treasurer to replace a prior  
20 individual.

21 27. Fangary later re-designated the committee for the 2013 election by filing an amendment to  
22 the Statement of Organization on September 13, 2013 and he renamed the committee as appropriate. The  
23 redesignated committee for the 2013 election is Respondent, 2013 Committee.

24 28. The last campaign statement filed by the 2013 Committee was for the reporting period of  
25 July 1, 2016 through December 31, 2016 and reported that the 2013 Committee had a cash balance of  
26 \$11,317. No subsequent statements have been filed.

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<sup>20</sup> Regulation 18361.5, subdivision (e).

1 29. According to bank records obtained pursuant to this investigation, the 2013 Committee  
2 continues to have funds available. As of February 28, 2018, the 2013 Committee had at least \$6,301 on  
3 deposit. The final disposition of these funds is unknown.

4 30. As Fangary has failed to terminate this committee, the 2013 Committee continues to have  
5 a filing obligation. When the controlling candidate, Fangary, is on the ballot, the 2013 Committee has a  
6 duty to timely file pre-election campaign statements. At all other times, the 2013 Committee has a duty to  
7 timely file semi-annual campaign statements.

8 31. In total, the 2013 Committee has failed to timely file the following campaign statements,  
9 within the last five years:

Type	Reporting Period	Date Due	Unreported Activity <sup>21</sup>
Semi-Annual	01/01/2017 to 06/30/2017	07/31/2017	\$200 expenditure
Pre-Election	07/01/2017 to 09/23/2017	09/28/2017	\$0
Pre-Election	09/24/2017 to 10/21/2017	10/26/2017	\$0
Semi-Annual	10/22/2017 to 12/31/2017	01/31/2018	\$0
Semi-Annual	01/01/2018 to 06/30/2018	07/31/2018	Unknown
Semi-Annual	07/01/2018 to 12/31/2018	01/31/2019	Unknown
Semi-Annual	01/01/2019 to 06/30/2019	07/31/2019	Unknown
Semi-Annual	07/01/2019 to 12/31/2019	01/31/2020	Unknown
Semi-Annual	01/01/2020 to 06/30/2020	07/31/2020	Unknown

20  
21 **2017 Committee**

22 32. Fangary filed a Statement of Organization with the SOS on August 14, 2017 for the  
23 committee, H. S. Fangary for City Council 2017, in connection with his 2017 re-election campaign for  
24 Hermosa Beach City Council. The SOS assigned the committee the identification number, 1398222. At  
25 that time, Fangary indicated that the committee had not yet qualified.

26 33. An amendment was filed with the SOS on October 26, 2017, indicating a qualification date  
27 of August 30, 2017 and providing the information to locate the campaign bank account.

28  
<sup>21</sup> According to the 2013 Committee bank account records through February 28, 2018.

1 34. The 2017 Committee failed to timely file the first pre-election campaign statement. The  
2 statement, due on September 28, 2017, was not filed until October 19, 2017. The second pre-election  
3 statement was timely filed. However, after this statement, no other campaign statement has been filed for  
4 this committee.

5 35. The last filed campaign statement reported a cash balance of \$4,330. According to bank  
6 records obtained pursuant to this investigation, the 2017 Committee continues to have funds available. As  
7 of February 28, 2018, the 2017 Committee had at least \$4,895 on deposit. The final disposition of these  
8 funds is unknown.

9 36. As Fangary has failed to terminate this committee, the 2017 Committee continues to have  
10 a filing obligation. The 2017 Committee has a duty to timely file semi-annual campaign statements. In  
11 total, the 2017 Committee has failed to timely file the following campaign statements:

Type	Reporting Period	Date Due	Unreported Activity <sup>22</sup>
Semi-Annual	10/22/2017 to 12/31/2017	01/31/2018	\$2,300 in contributions \$4,340 in expenditures
Semi-Annual	01/01/2018 to 06/30/2018	07/31/2018	\$13,000 in contributions \$12,094 in expenditures
Semi-Annual	07/01/2018 to 12/31/2018	01/31/2019	Unknown
Semi-Annual	01/01/2019 to 06/30/2019	07/31/2019	Unknown
Semi-Annual	07/01/2019 to 12/31/2019	01/31/2020	Unknown
Semi-Annual	01/01/2020 to 06/30/2020	07/31/2020	Unknown

22 37. In total, by reviewing both filed campaign statements, bank records, and PayPal records,  
23 the Enforcement Division determined that the 2017 Committee raised approximately \$14,333 in  
24 contributions and made approximately \$8,093 in expenditures.

25 38. In addition to late filing, the Enforcement Division determined that the 2017 Committee  
26 failed to utilize a designated campaign bank account for the deposit of all contributions and for all  
27 expenditures.

28 <sup>22</sup> According to the 2017 Committee bank account records, and PayPal Records through February 28, 2018.

1           39. Campaign statements reported a number of contributions and payments made that were not  
2 made through the campaign bank account. Fangary provided some records from his personal PayPal  
3 account to verify what he had reported on the first two pre-election statements. The records provided were  
4 incomplete to fully substantiate activity that was reported on campaign statements.

5           40. In a statement to the investigator, Fangary acknowledged that campaign funds were  
6 commingled with his personal funds. He indicated to the investigator which transactions were personal  
7 and which were campaign by highlighting and marking source documents.

8           41. The Enforcement Division determined that up to \$2,500 in contributions were received  
9 outside the designated bank account and approximately \$4,199 in expenditures were made outside the  
10 designated bank account.

11           42. The Enforcement Division determined that a mass mailing paid for by the 2017 Committee  
12 included the disclosure statement, "Paid for by H.S. Fangary for City Council 2017, FPPC ID#1398222"  
13 but lacked the required street address and city for the committee. Fangary received notice of this deficiency  
14 in disclosure on or around October 16, 2017 after a sworn complaint was filed. Subsequent mass mailings  
15 had the correct disclosure.

### **PROCEDURAL HISTORY**

16  
17           43. The Enforcement Division initiated an administrative action against the 2013 Committee,  
18 2017 Committee, Fangary, and D. Fangary in this matter by serving a packet containing a cover letter, a  
19 Report in Support of a Finding of Probable Cause ("PC Report"), a fact sheet regarding probable cause  
20 proceedings, selected sections of the Government Code regarding probable cause proceedings for the  
21 Commission, and selected regulations of the Commission regarding probable cause proceedings.

22           44. Fangary was served with the PC Report, individually and on behalf of the 2013 Committee  
23 and the 2017 Committee, via personal service on March 13, 2021. D. Fangary was served with the PC  
24 Report, individually and on behalf of the 2013 Committee and the 2017 Committee, by certified mail on  
25 or about February 16, 2021. The information contained in the PC Report packet advised the 2013  
26 Committee, 2017 Committee, Fangary, and D. Fangary that they had 21 days in which to request a  
27 probable cause conference, file a written response to the PC Report, or both. During the 21 days that  
28

1 followed service of the PC Report, the 2013 Committee, 2017 Committee, Fangary, and D. Fangary did  
2 not file a response to the PC Report or request a probable cause conference.

3 45. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an  
4 Accusation Be Prepared and Served (“Ex Parte Request”), dated April 8, 2021, the Enforcement Division  
5 submitted the matter to the Hearing Officer for a determination of probable cause.

6 46. On or about April 14, 2021, the Hearing Officer issued an order finding, based on the Ex  
7 Parte Request and the PC Report, that there was probable cause to believe the 2013 Committee, 2017  
8 Committee, Fangary, and D. Fangary violated the Act and directed the Enforcement Division to issue an  
9 Accusation against the 2013 Committee, 2017 Committee, Fangary, and D. Fangary in accordance with  
10 the finding.

### 11 **VIOLATIONS**

12 47. The 2013 Committee, Fangary, and D. Fangary committed nine violations of the Act and  
13 the 2017 Committee, Fangary, and D. Fangary committed nine violations of the Act as follows:

#### 14 **As to 2013 Committee, Fangary, and D. Fangary**

#### 15 **Count 1**

#### 16 **Failure to Timely File a Semi-Annual Campaign Statement**

17 48. Complainant incorporates paragraphs 1 – 47 of this Accusation, as though completely set  
18 forth here.

19 49. The 2013 Committee, Fangary, and D. Fangary had a duty to timely file a semi-annual  
20 campaign statement for the reporting period of January 1, 2017 through June 30, 2017 by the deadline of  
21 July 31, 2017.

22 50. The 2013 Committee, Fangary, and D. Fangary failed to timely file the semi-annual  
23 campaign statement for the reporting period of January 1, 2017 through June 30, 2017.

24 51. By failing to timely file the semi-annual campaign statement by the deadline of July 31,  
25 2017, the 2013 Committee, Fangary, and D. Fangary violated Government Code Section 84200.

26  
27 //

#### 28 **Count 2**



1 Failure to Timely File a Pre-Election Campaign Statement

2 52. Complainant incorporates paragraphs 1 – 51 of this Accusation, as though completely set  
3 forth here.

4 53. As the controlling candidate of the 2013 Committee was on the November 7, 2017 General  
5 Election, the 2013 Committee, Fangary, and D. Fangary had a duty to timely file a pre-election campaign  
6 statement for the reporting period of July 1, 2017 through September 23, 2017 by the deadline of  
7 September 28, 2017.

8 54. The 2013 Committee, Fangary, and D. Fangary failed to timely file the pre-election  
9 campaign statement for the reporting period of July 1, 2017 through September 23, 2017.

10 55. By failing to timely file the pre-election campaign statement by the deadline of September  
11 28, 2017, the 2013 Committee, Fangary, and D. Fangary violated Government Code Sections 84200.5 and  
12 84200.8.

13 **Count 3**

14 Failure to Timely File a Pre-Election Campaign Statement

15 56. Complainant incorporates paragraphs 1 – 55 of this Accusation, as though completely set  
16 forth here.

17 57. As the controlling candidate of the 2013 Committee was on the November 7, 2017 General  
18 Election, the 2013 Committee, Fangary, and D. Fangary had a duty to timely file a pre-election campaign  
19 statement for the reporting period of September 24, 2017 through October 21, 2017 by the deadline of  
20 October 26, 2017.

21 58. The 2013 Committee, Fangary, and D. Fangary failed to timely file the pre-election  
22 campaign statement for the reporting period of September 24, 2017 through October 21, 2017.

23 59. By failing to timely file the pre-election campaign statement by the deadline of October  
24 26, 2017, the 2013 Committee, Fangary, and D. Fangary violated Government Code Sections 84200.5 and  
25 84200.8.

26  
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1 **Count 4**

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

3 60. Complainant incorporates paragraphs 1 – 59 of this Accusation, as though completely set  
4 forth here.

5 61. The 2013 Committee, Fangary, and D. Fangary had a duty to timely file a semi-annual  
6 campaign statement for the reporting period of October 22, 2017 through December 31, 2017 by the  
7 deadline of January 31, 2018.

8 62. The 2013 Committee, Fangary, and D. Fangary failed to timely file the semi-annual  
9 campaign statement for the reporting period of October 22, 2017 through December 31, 2017.

10 63. By failing to timely file the semi-annual campaign statement by the deadline of January  
11 31, 2018, the 2013 Committee, Fangary, and D. Fangary violated Government Code Section 84200.

12 **Count 5**

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

14 64. Complainant incorporates paragraphs 1 – 63 of this Accusation, as though completely set  
15 forth here.

16 65. The 2013 Committee, Fangary, and D. Fangary had a duty to timely file a semi-annual  
17 campaign statement for the reporting period of January 1, 2018 through June 30, 2018 by the deadline of  
18 July 31, 2018.

19 66. The 2013 Committee, Fangary, and D. Fangary failed to timely file the semi-annual  
20 campaign statement for the reporting period of January 1, 2018 through June 30, 2018.

21 67. By failing to timely file the semi-annual campaign statement by the deadline of July 31,  
22 2018, the 2013 Committee, Fangary, and D. Fangary violated Government Code Section 84200.

23 **Count 6**

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

25 68. Complainant incorporates paragraphs 1 – 67 of this Accusation, as though completely set  
26 forth here.





1 **Count 11**

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

3 88. Complainant incorporates paragraphs 1 – 87 of this Accusation, as though completely set  
4 forth here.

5 89. The 2017 Committee, Fangary, and D. Fangary had a duty to timely file a semi-annual  
6 campaign statement for the reporting period of October 22, 2017 through December 31, 2017 by the  
7 deadline of January 31, 2018.

8 90. The 2017 Committee, Fangary, and D. Fangary failed to timely file the semi-annual  
9 campaign statement for the reporting period of October 22, 2017 through December 31, 2017.

10 91. By failing to timely file the semi-annual campaign statement by the deadline of January  
11 31, 2018, the 2017 Committee, Fangary, and D. Fangary violated Government Code Section 84200.

12 **Count 12**

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

14 92. Complainant incorporates paragraphs 1 – 91 of this Accusation, as though completely set  
15 forth here.

16 93. The 2017 Committee, Fangary, and D. Fangary had a duty to timely file a semi-annual  
17 campaign statement for the reporting period of January 1, 2018 through June 30, 2018 by the deadline of  
18 July 31, 2018.

19 94. The 2017 Committee, Fangary, and D. Fangary failed to timely file the semi-annual  
20 campaign statement for the reporting period of January 1, 2018 through June 30, 2018.

21 95. By failing to timely file the semi-annual campaign statement by the deadline of July 31,  
22 2018, the 2017 Committee, Fangary, and D. Fangary violated Government Code Section 84200.

23 **Count 13**

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

25 96. Complainant incorporates paragraphs 1 – 95 of this Accusation, as though completely set  
26 forth here.

1           97.     The 2017 Committee, Fangary, and D. Fangary had a duty to timely file a semi-annual  
2 campaign statement for the reporting period of July 1, 2018 through December 31, 2018 by the deadline  
3 of January 31, 2019.

4           98.     The 2017 Committee, Fangary, and D. Fangary failed to timely file the semi-annual  
5 campaign statement for the reporting period of July 1, 2018 through December 31, 2018.

6           99.     By failing to timely file the semi-annual campaign statement by the deadline of January  
7 31, 2019, the 2017 Committee, Fangary, and D. Fangary violated Government Code Section 84200.

8   **Count 14**

9   Failure to Timely File a Semi-Annual Campaign Statement

10          100.    Complainant incorporates paragraphs 1 – 99 of this Accusation, as though completely set  
11 forth here.

12          101.    The 2017 Committee, Fangary, and D. Fangary had a duty to timely file a semi-annual  
13 campaign statement for the reporting period of January 1, 2019 through June 30, 2019 by the deadline of  
14 July 31, 2019.

15          102.    The 2017 Committee, Fangary, and D. Fangary failed to timely file the semi-annual  
16 campaign statement for the reporting period of January 1, 2019 through June 30, 2019.

17          103.    By failing to timely file the semi-annual campaign statement by the deadline of July 31,  
18 2019, the 2017 Committee, Fangary, and D. Fangary violated Government Code Section 84200.

19   **Count 15**

20   Failure to Timely File a Semi-Annual Campaign Statement

21          104.    Complainant incorporates paragraphs 1 – 103 of this Accusation, as though completely set  
22 forth here.

23          105.    The 2017 Committee, Fangary, and D. Fangary had a duty to timely file a semi-annual  
24 campaign statement for the reporting period of July 1, 2019 through December 31, 2019 by the deadline  
25 of January 31, 2020.

26          106.    The 2017 Committee, Fangary, and D. Fangary failed to timely file the semi-annual  
27 campaign statement for the reporting period of July 1, 2019 through December 31, 2019.  
28





1 117. The 2017 Committee, Fangary, and D. Fangary had a duty to include the street address and  
2 city of the responsible committee on a mass mailing.

3 118. The 2017 Committee, Fangary, and D. Fangary failed to include the address of the  
4 responsible committee on the mass mailing.

5 119. By failing to include the address of the responsible committee on the mass mailing, the  
6 2017 Committee, Fangary, and D. Fangary violated Government Code Section 84305.

7 **MITIGATING OR EXCULPATORY FACTORS**

8 120. The filing violations appear to be the result of negligence, as opposed to being deliberate  
9 or inadvertent acts.

10 121. Respondents provided some, although not all, records, to support reporting, including  
11 records related to the transactions that occurred outside the designated campaign bank account.

12 122. Respondents were generally cooperative in the investigation.

13 123. After Fangary received notice of the lack of the committee address, all subsequent mass  
14 mailings included the correct and proper disclosure.

15 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

16 124. The failure to timely file pre-election campaign statements and semi-annual campaign  
17 statements causes public harm as it deprives the public of transparency in political spending during the  
18 crucial weeks prior to an election.

19 125. The 2013 Committee and 2017 Committee remain open and have not filed required  
20 campaign disclosures, despite multiple requests for compliance.

21 126. Fangary and D. Fangary have demonstrated a pattern of failing to timely file campaign  
22 statements, having previously agreed to a streamline stipulation in 2014 for failing to file two pre-election  
23 campaign statements in connection with the 2013 General Election.

24 **PRAYER**

25 WHEREFORE, Complainant prays as follows:

- 26 1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and  
27 Regulation 18361.5, and at such hearing find that the 2013 Committee, the 2017 Committee,  
28 Fangary, and D. Fangary violated the Act as alleged herein;

2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2013 Committee, Fangary, and D. Fangary 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 2013 Committee, Fangary, and D. Fangary 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 2013 Committee, Fangary, and D. Fangary 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 Section 83116, subdivision (c), order the 2013 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 4**;
6. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2013 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 5**;
7. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2013 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 6**;
8. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2013 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 7**;
9. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2013 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 8**;
10. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2013 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 9**;

- 1 11. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
2 order the 2017 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to  
3 \$5,000 for the violation of the Political Reform Act alleged in **Count 10**;
- 4 12. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
5 order the 2017 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to  
6 \$5,000 for the violation of the Political Reform Act alleged in **Count 11**;
- 7 13. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
8 order the 2017 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to  
9 \$5,000 for the violation of the Political Reform Act alleged in **Count 12**;
- 10 14. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
11 order the 2017 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to  
12 \$5,000 for the violation of the Political Reform Act alleged in **Count 13**;
- 13 15. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
14 order the 2017 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to  
15 \$5,000 for the violation of the Political Reform Act alleged in **Count 14**;
- 16 16. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
17 order the 2017 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to  
18 \$5,000 for the violation of the Political Reform Act alleged in **Count 15**;
- 19 17. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
20 order the 2017 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to  
21 \$5,000 for the violation of the Political Reform Act alleged in **Count 16**;
- 22 18. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
23 order the 2017 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to  
24 \$5,000 for the violation of the Political Reform Act alleged in **Count 17**;
- 25 19. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
26 order the 2017 Committee, Fangary, and D. Fangary to pay a monetary penalty of up to  
27 \$5,000 for the violation of the Political Reform Act alleged in **Count 18**;
- 28

1           20.    That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision  
2                   (e), consider the following factors in framing a proposed order following a finding of a  
3                   violation pursuant to Section 83116: (1) The extent and gravity of the public harm caused  
4                   by the specific violation; (2) The level of experience of the violator with the requirements  
5                   of the Political Reform Act; (3) Penalties previously imposed by the Commission in  
6                   comparable cases; (4) The presence or absence of any intention to conceal, deceive or  
7                   mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the  
8                   violator demonstrated good faith by consulting the Commission staff or any other  
9                   governmental agency in a manner not constituting complete defense under Government  
10                  Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern and  
11                  whether the violator has a prior record of violations of the Political Reform Act or similar  
12                  laws; and (8) Whether the violator, upon learning of a reporting violation, voluntarily filed  
13                  amendments to provide full disclosure.

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

16  
17    Dated: 08/02/2021

*Angela J. Breerton*

\_\_\_\_\_  
Angela J. Breerton, Chief of Enforcement  
Fair Political Practices Commission

**Exhibit A-7**

**PROOF OF SERVICE**

FPPC No. 2018-00005

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I, the undersigned, am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is: 4733 Torrance Blvd., # 322 Torrance, CA 90503-4100.

On August 4, 2021, at 8:16 p.m., at 1501 9<sup>th</sup> Street, Manhattan Beach, CA 90266, I served the documents described as: ACCUSATION; STATEMENT TO RESPONDENT; 2 blank copies of NOTICE OF DEFENSE; CALIFORNIA GOVERNMENT CODE sections 11506 through 11508; 2 blank copies of CONSENT TO ELECTRONIC SERVICE AGREEMENT; PRIVACY NOTICE, on DINA FANGARY, by personally handing her the documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Luis A. Martinez

California Registered Process Server  
Los Angeles County reg. # 3456



**PROOF OF SERVICE**

FPPC No. 2018-00005

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I, the undersigned, am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is: 4733 Torrance Blvd., # 322 Torrance, CA 90503-4100.

On August 14, 2021, at 2:26 p.m., at 1501 9<sup>th</sup> Street, Manhattan Beach, CA 90266, I served the documents described as: ACCUSATION; STATEMENT TO RESPONDENT; 2 blank copies of NOTICE OF DEFENSE; CALIFORNIA GOVERNMENT CODE sections 11506 through 11508; 2 blank copies of CONSENT TO ELECTRONIC SERVICE AGREEMENT; PRIVACY NOTICE, on HANY S. FANGARY, by personally handing him the documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Luis A. Martinez 

California Registered Process Server  
Los Angeles County reg. # 3456

**Exhibit A-8**



## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

### STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

***Friends of H. Fangary for Hermosa Beach City Council 2013,  
H. S. Fangary for City Council 2017, Dina Fangary, and Hany S. Fangary  
FPPC Case No. 2018-00005***

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, Senior Commission Counsel, Enforcement Division, at (916) 323-6421 or at [tgilbertson@fppc.ca.gov](mailto:tgilbertson@fppc.ca.gov).

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

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

1. The extent and gravity of the public harm caused by the specific violation;
2. The level of experience of the violator with 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.



*Before the Fair Political Practices Commission*

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**State of California**

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
	)	
FRIENDS OF H. FANGARY FOR	)	FPPC Case No. 2018-00005
HERMOSA BEACH CITY COUNCIL	)	
2013, H. S. FANGARY FOR CITY	)	
COUNCIL 2017, DINA FANGARY,	)	
AND HANY S. FANGARY,	)	
	)	
<u>Respondents.</u>	)	

Dina Fangary, a respondent named in the above entitled proceeding and on behalf of the committees, Friends of H. Fangary for Hermosa Beach City Council 2013 and H. S. Fangary for 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.

By law, this *NOTICE OF DEFENSE*, must be in writing and include your mailing address.

You may include your email address and telephone number and indicate if you agree to service by electronic means. If you wish to receive service through electronic means, you must complete and sign the Consent to Electronic Service Agreement (OAH 44). (Enclosed)

See information regarding the Office of Administrative Hearings Secure eFile Transfer (SFT) system at <https://www.dgs.ca.gov/OAH/Services/Page-Content/Office-of-Administrative-Hearings-Services-List-Folder/OAH-Secure-e-File-Information>

**GROUNDNS FOR NOTICE OF DEFENSE**

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_  
Respondent

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

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

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

\_\_\_\_\_  
Email address

\_\_\_\_\_  
Phone number

- By checking this box, I agree to accept service using the OAH e-File Transfer System. I have enclosed the Consent to Electronic Service Agreement (OAH 44).



*Before the Fair Political Practices Commission*

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**State of California**

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
	)	
FRIENDS OF H. FANGARY FOR	)	FPPC Case No. 2018-00005
HERMOSA BEACH CITY COUNCIL	)	
2013, H. S. FANGARY FOR CITY	)	
COUNCIL 2017, DINA FANGARY,	)	
AND HANY S. FANGARY,	)	
	)	
Respondents.	)	

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Hany S. Fangary, a respondent named in the above entitled proceeding and on behalf of the committees, Friends of H. Fangary for Hermosa Beach City Council 2013 and H. S. Fangary for 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.

By law, this *NOTICE OF DEFENSE*, must be in writing and include your mailing address.

You may include your email address and telephone number and indicate if you agree to service by electronic means. If you wish to receive service through electronic means, you must complete and sign the Consent to Electronic Service Agreement (OAH 44). (Enclosed)

See information regarding the Office of Administrative Hearings Secure eFile Transfer (SFT) system at <https://www.dgs.ca.gov/OAH/Services/Page-Content/Office-of-Administrative-Hearings-Services-List-Folder/OAH-Secure-e-File-Information>



**GROUNDNS FOR NOTICE OF DEFENSE**

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

Respondent

\_\_\_\_\_

Print Name

\_\_\_\_\_

Mailing Address

\_\_\_\_\_

City, State, Zip

\_\_\_\_\_

Email address

\_\_\_\_\_

Phone number

- By checking this box, I agree to accept service using the OAH e-File Transfer System. I have enclosed the Consent to Electronic Service Agreement (OAH 44).

# OFFICE OF ADMINISTRATIVE HEARINGS

## STATE OF CALIFORNIA

### **Consent to Electronic Service (E-Service or "SFT") Agreement**

Attention: In an effort to expedite the service of documents, the Office of Administrative Hearings (OAH) allows parties to receive documents electronically. By completing this form, you are agreeing to receive your documents from OAH by Secure e-File (SFT). You may access the OAH secure e-File system at <https://www.applications.dgs.ca.gov/oah/oahsftweb> to register for an account, if you have not done so already.

#### **Instructions**

1. Complete the form.
2. Requestor information. Enter the firm/agency name, requestor's name, telephone number and the program(s) to which this form will apply.
3. Method of Service. Select the method of service and complete the contact information as applicable. Remove previous names.
4. Terms and Conditions. Read the terms and conditions. Select a condition in which this form will apply. Complete the signature authorizing service of process.

5. Submit the completed form using the Office of Administrative Hearings Secure File Transfer System at: <https://www.applications.dgs.ca.gov/oah/oahsftweb>.

One agreement must be submitted per person, per LEA, or per Governmental Agency or Law Firm, as applicable.

# OFFICE OF ADMINISTRATIVE HEARINGS

## STATE OF CALIFORNIA

### Consent to Electronic Service (E-Service or "SFT") Agreement

#### Requestor Information

Full Name of Firm/Agency Requesting

Full Name of Person Requesting

Telephone Number

Please identify the program(s) to which this applies

#### Method of Service (Select ONE option)

**The Office of Administrative Hearings will serve your documents according to the option indicated below.**

Complete the information for the desired service option selected below.

Option #1 Secure e-File (SFT) Only

Option #2 U.S. Mail + Secure e-File (SFT)

Requestor's Email Address

Additional Email Addresses for Copies

Mailing Address (if mail option selected)

Remove the following additional email address(es) related to the attorney named above

Do not remove any names already in place

**Terms and Conditions (Select ONE option)**

By signing this form, you acknowledge and agree to receive documents from OAH according to the option selected above until notified otherwise. In the event that your contact information should change it is your responsibility to notify OAH.

I agree to accept service of documents from OAH by the option selected above for ALL current and future cases with OAH.

I no longer wish to participate in electronic service. Please cancel my previous agreement.

Requestor's Signature

By checking this box and typing my name below, I am electronically signing this agreement.

Date

Title of person making this request

**For multiple requestors, you may attach an additional sheet containing a list of each requestor's contact information and additional email address(es) to be applied to each requestor.**

**For E-filing <https://www.applications.dgs.ca.gov/oah/oahsftweb>**



# **OFFICE OF ADMINISTRATIVE HEARINGS**

## **STATE OF CALIFORNIA**

### **Privacy Notice**

This notice is provided pursuant to the Information Practices Act of 1977 (Civil Code, Section 1798 et seq.).

All information and records submitted to OAH may be subject to disclosure in accordance with the California Public Records Act (Government Code, Section 6250 et seq.), and other applicable authority unless expressly prohibited by law. Proceedings before OAH and records held by OAH are public unless otherwise provided by statute (Government Code, Section 11425.20). For example, the Family Educational Rights and Privacy Act (FERPA 20 United States Code Section 1232(g)) recognizes privacy rights to educational records in certain limited circumstances. It is the obligation of the parties to determine if case filings or proceedings require privacy protections. OAH cannot provide legal advice.

The Information Practices Act requires OAH to provide notice to individuals who submit personal information to OAH.

- 1) This notice does not apply to information provided by an agency or to routine contact information collected by OAH for the purpose of identification or communication regarding the case.
  
- 2) To the extent this form seeks information about a need for accommodation, OAH requests the information for the sole purpose of making a determination about the accommodation an individual is seeking. An individual seeking an accommodation is not required to use this form; it is provided as a convenience only. OAH can request this information in accordance with the Americans with Disabilities Act (42 United State Code Section 12101 et seq.).
  
- 3) Requests for Public Records or information maintained in accordance with the Information Practices Act shall be directed to the OAH Public Records Officer, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833, (916) 263-0550, or OAHPR@[dgs.ca.gov](mailto:dgs.ca.gov).

# **California Government Code sections 11506 through 11508**

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## **§ 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 08/03/2021, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 2018/00005: Accusation;
3. Notice of Defense (Two Copies) and blank copy of OAH44;
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 8:45 (a.m./p.m.):

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

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

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

**SERVICE LIST**

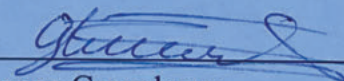
Personal Service

Hany S. Fangary  
1501 9<sup>th</sup> St  
Manhattan Beach, CA 90266

Personal Service

Dina Fangary  
1501 9<sup>th</sup> St  
Manhattan Beach, CA 90266

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 08/03/2021.

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

**Exhibit A-9**

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

Date Stamp AUG 05 2011

DEBRA BOWEN Secretary of State

Statement of Organization Recipient Committee

Type or print in ink

Statement Type

Amendment

Not yet qualified

Termination - See Part 16 of the State of California List I.D. number:

Date qualified as committee

Date of Termination

1. Committee Information

2. Treasurer and Other Principal Officers

Form fields for Committee and Treasurer information including names, addresses, and contact details for Lawrence O. Fox and Hany S. Fangary.

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.

Signature and date lines for verification, including signatures of Lawrence O. Fox and Hany S. Fangary.



# Statement of Organization Recipient Committee

STATEMENT OF ORGANIZATION

CALIFORNIA FORM 410

INSTRUCTIONS ON REVERSE

Page 2

COMMITTEE NAME

I.D. NUMBER

Friends of H. Fangary for Hermosa Beach City Council 2011

## 4. Type of Committee

### 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 "non-partisan."
- 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
Hany S. Fangary	Council Member, City of Hermosa Beach	2011	<input checked="" type="checkbox"/> Non-Partisan
			<input type="checkbox"/> Non-Partisan

- List the financial institution where the campaign bank account is located (controlled "candidate election" committees only)

NAME OF FINANCIAL INSTITUTION \_\_\_\_\_ AREA CODE/PHONE \_\_\_\_\_ BANK ACCOUNT NUMBER \_\_\_\_\_

Not Applicable

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

### 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

**Exhibit A-10**

**Statement of Organization Recipient Committee**

STATEMENT OF ORGANIZATION

**CALIFORNIA FORM 410**  
For Official Use Only

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

Date Stamp  
**FEB 02 2012**

**DEBRA BOWEN**  
Secretary of State

*R*

1340442

Statement Type  Initial  or Not yet qualified

Amendment  
List I.D. number: # 1340442

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

Date qualified as committee 08 / 29 / 11  
(if applicable)

Date of Termination

**1. Committee Information**

NAME OF COMMITTEE  
Friends of H. Fangary for Hermosa Beach City Council 2011

STREET ADDRESS (NO P.O. BOX)  
730 The Strand

CITY STATE ZIP CODE AREA CODE/PHONE  
Hermosa Beach CA 90254 310 995-7975

MAILING ADDRESS (IF DIFFERENT)

**2. Treasurer and Other Principal Officers**

NAME OF TREASURER  
Dina Fangary

STREET ADDRESS (NO P.O. BOX)  
730 The Strand

CITY STATE ZIP CODE AREA CODE/PHONE  
Hermosa Beach CA 90254 310 379-2111

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

COUNTY OF DOMICILE  
COUNTY WHERE COMMITTEE IS ACTIVE IF DIFFERENT THAN COUNTY OF DOMICILE

NAME OF PRINCIPAL OFFICER(S)  
Hany S. Fangary

STREET ADDRESS (NO P.O. BOX)  
730 The Strand

CITY STATE ZIP CODE AREA CODE/PHONE  
Hermosa Beach CA 90254 310 995-7975

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 1/31/2012  
DATE

Executed on 1/31/2012  
DATE

By Dina Fangary SIGNATURE OF TREASURER OR ASSISTANT TREASURER

By Hany S. Fangary SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROponent

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

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

By \_\_\_\_\_ SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROponent

By \_\_\_\_\_ SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROponent

# Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

Page 2  
COMMITTEE NAME  
I.D. NUMBER  
1340442

## 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 "non-partisan."
- 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
Hany S. Fangary	Council Member, City of Hermosa Beach	2011	<input checked="" type="checkbox"/> Non-Partisan
			<input type="checkbox"/> Non-Partisan

- List the financial institution where the campaign bank account is located (controlled "candidate election" committees only)

NAME OF FINANCIAL INSTITUTION	AREA CODE/PHONE	BANK ACCOUNT NUMBER
Bank of America	310 884-1870	00631-73529
ADDRESS	CITY	STATE ZIP CODE
P.O. Box 37178	San Francisco	CA 94137

### 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



**Exhibit A-11**

**Statement of Organization Recipient Committee**

Type or print in ink

1340442

Statement Type  Initial  or Not yet qualified

Amendment List I.D. number: 1340442

Date qualified as committee: 08 / 29 / 11

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

Date of Termination

STATEMENT OF ORGANIZATION

RECEIVED AND FILED in the office of the Secretary of the State of California SEP 18 2013

CALIFORNIA FORM 410 For Official Use Only

DEBRA BOWEN Secretary of State

Roll

**1. Committee Information**

NAME OF COMMITTEE: Friends of H. S. Fangary for Hermosa Beach City Council (2013)

STREET ADDRESS (NO P.O. BOX): 730 The Strand

CITY: Hermosa Beach STATE: CA ZIP CODE: 90254 AREA CODE/PHONE: 310 995-7975

MAILING ADDRESS (IF DIFFERENT): 730 The Strand

CITY: Hermosa Beach STATE: CA ZIP CODE: 90254 AREA CODE/PHONE: 310 963-2657

**2. Treasurer and Other Principal Officers**

NAME OF TREASURER: Dina Fangary

STREET ADDRESS (NO P.O. BOX): 730 The Strand

CITY: Hermosa Beach STATE: CA ZIP CODE: 90254 AREA CODE/PHONE: 310 963-2657

NAME OF ASSISTANT TREASURER, IF ANY: \_\_\_\_\_

STREET ADDRESS (NO P.O. BOX): \_\_\_\_\_

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

**OPTIONAL: FAX / E-MAIL ADDRESS**

hary@velascolawgroup.com

COUNTY OF DOMICILE: Los Angeles

COUNTY WHERE COMMITTEE IS ACTIVE IF DIFFERENT THAN COUNTY OF DOMICILE: \_\_\_\_\_

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 9/11/2013 DATE

Executed by Hany S. Fangary SIGNATURE OF CONTROLLING OFFICER/CANDIDATE, OR STATE MEASURE PROPOSER

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

Executed by \_\_\_\_\_ SIGNATURE OF CONTROLLING OFFICER/CANDIDATE, OR STATE MEASURE PROPOSER

By Dina Fangary SIGNATURE OF TREASURER OR ASSISTANT TREASURER

By Hany S. Fangary SIGNATURE OF CONTROLLING OFFICER/CANDIDATE, OR STATE MEASURE PROPOSER

By \_\_\_\_\_ SIGNATURE OF CONTROLLING OFFICER/CANDIDATE, OR STATE MEASURE PROPOSER

By \_\_\_\_\_ SIGNATURE OF CONTROLLING OFFICER/CANDIDATE, OR STATE MEASURE PROPOSER

**Statement of Organization  
Recipient Committee**

INSTRUCTIONS ON REVERSE

Page 2

COMMITTEE NAME

I.D. NUMBER

Friends of H. S. Fangary for Hermosa Beach City Council 2013

1340442

**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 "non-partisan."
- 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
Hany S. Fangary	Council Member, City of Hermosa Beach	2013	<input type="checkbox"/> Non-Partisan
			<input type="checkbox"/> Non-Partisan

- List the financial institution where the campaign bank account is located (controlled "candidate election" committees only)

NAME OF FINANCIAL INSTITUTION	AREA CODE/PHONE	BANK ACCOUNT NUMBER
Bank of America	310 884-1870	00631-73529
ADDRESS	CITY	STATE
P. O. Box 37176	San Francisco	CA
		ZIP CODE
		94137-0176

**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

**Exhibit A-12**

# COPY

## Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

Type or print in ink.

COVER PAGE

CALIFORNIA FORM 460

Page 1 of 5



Date of election if applicable: (Month, Day, Year) 11/05/13

Statement covers period from 07/01/16 through 12/31/16

### 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 (Also Complete Part 6)
- Primarily Formed Candidate/Officeholder Committee (Also Complete Part 7)

### 2. Type of Statement:

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

### 3. Committee Information

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE) Friends of H. S. Fangary for Hermosa Beach City Council 2013

I.D. NUMBER 1340442

### Treasurer(s)

NAME OF TREASURER Dina Fangary

MAILING ADDRESS 730 The Strand

CITY Hermosa Beach STATE CA ZIP CODE 90254 AREA CODE/PHONE 310 995-7975

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

### STREET ADDRESS (NO P.O. BOX)

730 The Strand

CITY STATE ZIP CODE AREA CODE/PHONE

Hermosa Beach CA 90254 310 995-7975

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 1/31/17 Date

Executed on 1/31/2017 Date

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

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

By Dina Fangary Signature of Treasurer or Assistant Treasurer

By Hans S. Fangary Signature of Controlling Officerholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

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

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



Type or print in ink.

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

**5. Officeholder or Candidate Controlled Committee**

NAME OF OFFICEHOLDER OR CANDIDATE  
**Hany S. Fangary**

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)  
**Council Member, City of Hermosa Beach**

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP  
**730 The Strand Hermosa Beach, CA 9025**

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

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

**6. Primarily Formed Ballot Measure Committee**

NAME OF BALLOT MEASURE

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

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROponent

OFFICE SOUGHT OR HELD

DISTRICT NO. IF ANY

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

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

*Attach continuation sheets if necessary*

# Campaign Disclosure Statement Summary Page

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

SUMMARY PAGE

Statement covers period from 07/01/16 through 12/31/16	CALIFORNIA FORM <b>460</b>
Page 3 of 5	I.D. NUMBER 1340442

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Dina Fangary, Treasurer, Friends of H. S. Fangary for Hermosa Beach City Council 2013

## Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions ..... Schedule A, Line 3	.00 \$	.00
2. Loans Received ..... Schedule B, Line 3	.00	26000.00
3. SUBTOTAL CASH CONTRIBUTIONS ..... Add Lines 1 + 2	.00 \$	.00
4. Nonmonetary Contributions ..... Schedule C, Line 3	.00	.00
5. TOTAL CONTRIBUTIONS RECEIVED ..... Add Lines 3 + 4	.00 \$	26000.00

## 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	.00 \$	.00
7. Loans Made ..... Schedule H, Line 3	.00	.00
8. SUBTOTAL CASH PAYMENTS ..... Add Lines 6 + 7	.00 \$	.00
9. Accrued Expenses (Unpaid Bills) ..... Schedule F, Line 3	.00	2410.18
10. Nonmonetary Adjustment ..... Schedule C, Line 3	.00	.00
11. TOTAL EXPENDITURES MADE ..... Add Lines 8 + 9 + 10	.00 \$	2410.18

## 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	11317.68 \$	To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).
13. Cash Receipts ..... Column A, Line 3 above	.00	
14. Miscellaneous Increases to Cash ..... Schedule I, Line 4	.00	
15. Cash Payments ..... Column A, Line 8 above	.00	
16. ENDING CASH BALANCE ..... Add Lines 12 + 13 + 14, then subtract Line 15	11317.68 \$	

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

## 17. LOAN GUARANTEES RECEIVED

Schedule B, Part 2	.00 \$
--------------------	--------

## Cash Equivalents and Outstanding Debts

18. Cash Equivalents ..... See instructions on reverse	.00 \$
19. Outstanding Debts ..... Add Line 2 + Line 9 in Column B above	2410.18 \$





**Schedule F  
Accrued Expenses (Unpaid Bills)**

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

Statement covers period  
from 07/01/16  
through 12/31/16

CALIFORNIA FORM **460**

Page 5 of 5

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Dina Fangary, Treasurer, Friends of H. S. Fangary for Hermosa Beach City Council 2013

I.D. NUMBER  
1340442

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

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

NAME AND ADDRESS OF CREDITOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	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
Hany S. Fangary 730 The Strand Hermosa Beach, CA 90254		2410.18	.00	.00	2410.18
Subvendor: Build A Sign 11525 A Stonehollow Dr #100, Austin, TX 78758	CMP				
Subvendor City of Hermosa Beach 1315 Valley Dr, Hermosa Beach, CA 90254	FIL				

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

**SUBTOTALS \$** 2410.18 \$ .00 \$ .00 \$ 2410.18

**Schedule F Summary**

1. Total accrued expenses incurred this period. (Include all Schedule F, Column (b) subtotals for accrued expenses of \$100 or more, plus total unitemized accrued expenses under \$100.) ..... **INCURRED TOTALS \$** .00
2. Total accrued expenses paid this period. (Include all Schedule F, Column (c) subtotals for payments on accrued expenses of \$100 or more, plus total unitemized payments on accrued expenses under \$100.) ..... **PAID TOTALS \$** .00
3. Net change this period. (**Subtract** Line 2 from Line 1. Enter the difference here and on the Summary Page, Column A, Line 9.) ..... **NET \$** .00

may be a negative number

**Exhibit A-13**




P.O. Box 15284  
Wilmington, DE 19850

## Business Advantage

### Customer service information

 1.888.BUSINESS (1.888.287.4637)

 [bankofamerica.com](http://bankofamerica.com)

 Bank of America, N.A.  
P.O. Box 25118  
Tampa, FL 33622-5118

FRIENDS OF H. FANGARY CITY COUNCIL  
CAMPAIGN ACCOUNT



## Your Business Fundamentals Checking

for February 1, 2018 to February 28, 2018

FRIENDS OF H. FANGARY CITY COUNCIL CAMPAIGN ACCOUNT

Account number:

### Account summary

Beginning balance on February 1, 2018	\$6,301.47
Deposits and other credits	0.00
Withdrawals and other debits	-0.00
Checks	-0.00
Service fees	-0.00
<b>Ending balance on February 28, 2018</b>	<b>\$6,301.47</b>

# of deposits/credits: 0

# of withdrawals/debits: 0

# of items-previous cycle<sup>1</sup>: 0

# of days in cycle: 28

Average ledger balance: \$6,301.47

<sup>1</sup>Includes checks paid, deposited items & other debits

How can we  
improve your  
business banking?

Join the **Bank of America® Advisory Panel**. You can help us learn what we're doing right and what we can do better.

To learn more and join, enter code **SBDD** at [bankofamerica.com/advisorypanel](http://bankofamerica.com/advisorypanel) today.

Inclusion on the Advisory Panel subject to qualifications.  
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SSM-06-17-0635.A1 | AR687WH3

**Exhibit A-14**

R19 1398222  
L

**Statement of Organization Recipient Committee**

Statement Type  Initial  Amendment  
Not yet qualified  or

Termination - See Part 5  
List I.D. number: # \_\_\_\_\_

Date qualified as committee \_\_\_\_\_  
Date qualified as committee (if applicable) \_\_\_\_\_  
Date of Termination \_\_\_\_\_

**RECEIVED AND FILED**  
in the office of the Secretary of State  
of the State of California  
AUG 14 2017

**CALIFORNIA FORM 410**  
For Official Use Only

R/PA

**1. Committee Information**

NAME OF COMMITTEE  
H. S. Fangary for City Council 2017

STREET ADDRESS (NO P.O. BOX)  
730 The Strand  
CITY  
Hermosa Beach  
STATE  
CA  
ZIP CODE  
90254  
AREA CODE/PHONE  
(310)995-7975

MAILING ADDRESS (IF DIFFERENT)  
FAX / E-MAIL ADDRESS  
hany@fangarylaw.com  
CITY  
Los Angeles  
STATE  
CA  
ZIP CODE  
90254  
AREA CODE/PHONE  
(310)995-7975

**2. Treasurer and Other Principal Officers**

NAME OF TREASURER  
Dina Fangary  
STREET ADDRESS (NO P.O. BOX)  
730 The Strand  
CITY  
Hermosa Beach  
STATE  
CA  
ZIP CODE  
90254  
AREA CODE/PHONE  
(310)963-2657

NAME OF ASSISTANT TREASURER, IF ANY  
STREET ADDRESS (NO P.O. BOX)  
CITY  
Hermosa Beach  
STATE  
CA  
ZIP CODE  
90254  
AREA CODE/PHONE  
(310)995-7975

NAME OF PRINCIPAL OFFICER(S)  
H. S. Fangary  
STREET ADDRESS (NO P.O. BOX)  
730 The Strand  
CITY  
Hermosa Beach  
STATE  
CA  
ZIP CODE  
90254  
AREA CODE/PHONE  
(310)995-7975

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 8/11/2017 By Dina Fangary  
 Executed on 8/11/2017 By Hany S. Fangary  
 Executed on \_\_\_\_\_ By \_\_\_\_\_  
 Executed on \_\_\_\_\_ By \_\_\_\_\_

DATE SIGNATURE OF CONTROLLING OFFICER, CANDIDATE, OR STATE MEASURE PROponent  
 DATE SIGNATURE OF CONTROLLING OFFICER, CANDIDATE, OR STATE MEASURE PROponent  
 DATE SIGNATURE OF CONTROLLING OFFICER, CANDIDATE, OR STATE MEASURE PROponent  
 DATE SIGNATURE OF CONTROLLING OFFICER, CANDIDATE, OR STATE MEASURE PROponent



**Statement of Organization  
Recipient Committee**

INSTRUCTIONS ON REVERSE

Page 2

COMMITTEE NAME

H. S. Fangary for City Council 2017

I.D. NUMBER

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

NAME OF FINANCIAL INSTITUTION

N/A

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

Hany S. Fangary

ELECTIVE OFFICE SOUGHT OR HELD  
(INCLUDE DISTRICT NUMBER IF APPLICABLE)

Member, Hermosa Beach City Council

YEAR OF ELECTION

2017

PARTY

Nonpartisan

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
	<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  
H. S. Fangary for City Council 2017

**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

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

**Small Contributor Committee**

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Date qualified

**5. Termination Requirements**

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

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

**Exhibit A-15**

R19 1398222

**Statement of Organization Recipient Committee**

Statement Type  Initial  or Not yet qualified

Amendment List I.D. number: # 1398222

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

Date qualified as committee: 08 / 30 / 2017  
Date qualified as committee (if applicable):

Date of Termination: 10 / 30

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Date Stamp: **OCT 26 2017**

called 10/27 1:40  
331003

**1. Committee Information**

NAME OF COMMITTEE

H. S. Fangary for City Council 2017

**2. Treasurer and Other Principal Officers**

NAME OF TREASURER

Dina Fangary

STREET ADDRESS (NO P.O. BOX)

703 Pier Avenue B673

CITY

Hermosa Beach

STATE

CA

ZIP CODE

90254 (310)963-2657

AREA CODE/PHONE

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

CITY

H. S. Fangary

STREET ADDRESS (NO P.O. BOX)

703 Pier Avenue B673

CITY

Hermosa Beach

STATE

CA

ZIP CODE

90254 (310)995-7975

AREA CODE/PHONE

FAX / E-MAIL ADDRESS

hany@fangarylaw.com

JURISDICTION WHERE COMMITTEE IS ACTIVE

Los Angeles

Hermosa Beach

Attach additional information on appropriately labeled continuation sheets.

**3. Verification**

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

Executed on 10/18/2017 By Dina Fangary

Executed on 10/18/2017 By H.S. Fangary

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

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

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

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



**Statement of Organization  
Recipient Committee**

INSTRUCTIONS ON REVERSE

Page 2

COMMITTEE NAME

H. S. Fangary for City Council 2017

I.D. NUMBER

1398222

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

NAME OF FINANCIAL INSTITUTION

Bank of America

AREA CODE/PHONE

(310)406-8720

BANK ACCOUNT NUMBER

3250 7931 8628

ADDRESS

90 Pier Ave

CITY

Hermosa Beach

STATE

CA

ZIP CODE

90254

**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

Hany S. Fangary

ELECTIVE OFFICE SOUGHT OR HELD  
(INCLUDE DISTRICT NUMBER IF APPLICABLE)

Member, Hermosa Beach City Council

YEAR OF ELECTION

2017

PARTY

Nonpartisan

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
	<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

1398222

COMMITTEE NAME  
H. S. Fangary for City Council 2017

**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

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 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-16**

# Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

Type or print in ink.



Date of election if applicable:  
(Month, Day, Year)  
11/07/2017

Statement covers period  
from 01/01/2017 through 09/23/2017

- 1. Type of Recipient Committee - 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:**
- Preelection Statement
  - Semi-annual Statement
  - Termination Statement
  - Amendment (Explain below)
  - Quarterly Statement
  - Special Odd-Year Report
  - Supplemental Preelection Statement - Attach Form 495

**3. Committee Information**

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)  
H. S. Fangary for City Council 2017

I.D. NUMBER  
1398222

STREET ADDRESS (NO P.O. BOX)  
703 Pier Ave, Suite B673

CITY STATE ZIP CODE AREA CODE/PHONE  
Hermosa Beach CA 90254 310 995 7975

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX  
703 Pier Ave, Suite B673

CITY STATE ZIP CODE AREA CODE/PHONE  
Hermosa Beach CA 90254 310 963 2657

**Treasurer(s)**

NAME OF TREASURER  
Dina Fangary

MAILING ADDRESS  
703 Pier Ave, Suite B673

CITY STATE ZIP CODE AREA CODE/PHONE  
Hermosa Beach CA 90254 310 963 2657

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

**4. Verification**

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

Executed on 10/19/2017 Date  
Executed on 10/19/2017 Date  
Executed on \_\_\_\_\_ Date  
Executed on \_\_\_\_\_ Date

By Dina Fangary Signature of Treasurer or Assistant Treasurer  
By Hany S. Fangary Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor  
By \_\_\_\_\_ Signature of Controlling Officeholder, Candidate, State Measure Proponent  
By \_\_\_\_\_ Signature of Controlling Officeholder, Candidate, State Measure Proponent

Type or print in ink.

# Recipient Committee Campaign Statement Cover Page — Part 2

COVER PAGE - PART 2

CALIFORNIA  
FORM **460**

Page 2 of 7

## 5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE  
**H. S. Fangary**

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)  
**City Council Member; City of Hermosa Beach**

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP  
**730 The Strand Hermosa Beach**

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

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

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

## 6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
Identify the controlling officeholder, candidate, or state measure proponent, if any.		

NAME OF OFFICEHOLDER, CANDIDATE, OR PROponent

OFFICE SOUGHT OR HELD

DISTRICT NO. IF ANY

## 7. Primarily Formed Candidate/Officeholder Committee

*List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

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

CITY STATE ZIP CODE AREA CODE/PHONE

Attach continuation sheets if necessary

# Campaign Disclosure Statement Summary Page

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

SUMMARY PAGE

Statement covers period  
from 01/01/2017  
through 09/23/2017

CALIFORNIA FORM **460**

Page 3 of 7

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

I.D. NUMBER  
**1398222**

## Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	\$ 750	\$ 750
2. Loans Received	10000	10000
3. SUBTOTAL CASH CONTRIBUTIONS	10750	10750
4. Nonmonetary Contributions	0	0
5. TOTAL CONTRIBUTIONS RECEIVED	10750	10750

## Expenditures Made

6. Payments Made	\$ 6537.92	\$ 6537.92
7. Loans Made	0	0
8. SUBTOTAL CASH PAYMENTS	6537.92	6537.92
9. Accrued Expenses (Unpaid Bills)	0	0
10. Nonmonetary Adjustment	0	0
11. TOTAL EXPENDITURES MADE	6537.92	6537.92

## Current Cash Statement

12. Beginning Cash Balance	\$ 0
13. Cash Receipts	10750
14. Miscellaneous Increases to Cash	0
15. Cash Payments	6537.92
16. ENDING CASH BALANCE	4212.08

## Cash Equivalents and Outstanding Debts

17. LOAN GUARANTEES RECEIVED	\$ 0
18. Cash Equivalents	\$ 0
19. Outstanding Debts	\$ 0

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

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

## Expenditure Limit Summary for State Candidates

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

Date of Election (mm/dd/yy) / /

Total to Date / /

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

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

# Schedule A Monetary Contributions Received

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

SCHEDULE A

CALIFORNIA  
FORM **460**

Statement covers period

from 01/01/2017

through 09/23/2017

Page 4 of 7

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

I.D. NUMBER

1398222

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
9/5/2017	Kenneth Sarno 1040 10th Street Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	100	100	
9/5/2017	Susan Sarno 1040 10th Street Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	100	100	
9/6/2017	Ingrid Geigt 803 Bard Street Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	50	50	
9/21/2017	Michael Bailey 654 7th Street Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Sr. Director of Sales, VMWare	250	250	
9/21/2017	Kim Bailey 654 7th Street Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	250	250	
<b>SUBTOTAL \$</b>				<b>750</b>		

## Schedule A Summary

- Amount received this period - itemized monetary contributions.  
(Include all Schedule A subtotals.) ..... \$ 750
- Amount received this period - unitemized monetary contributions of less than \$100 ..... \$ 0
- Total monetary contributions received this period.  
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) ..... **TOTAL \$** 750

\*Contributor Codes

IND - Individual

COM - Recipient Committee

OTH - Other (e.g., business entity)

PTY - Political Party

SCC - Small Contributor Committee



**Schedule B – Part 1  
Loans Received**

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

Statement covers period  
from 01/01/2017  
through 09/23/2017

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

Page 5 of 7  
I.D. NUMBER  
1398222

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD*	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE	Lender Type				
									IND <input type="checkbox"/>	COM <input type="checkbox"/>	OTH <input type="checkbox"/>	PTY <input type="checkbox"/>	SCC <input type="checkbox"/>
Hary Fangary 730 The Strand Hermosa Beach, CA 90254	Hary Fangary Lawyer Fangary Law Group	\$ 0	\$ 10,000	<input type="checkbox"/> PAID <input type="checkbox"/> FORGIVEN	\$ 10,000 DATE DUE _____	% RATE	\$ 10,000 DATE INCURRED 08/30/17	\$ 10,000 PER ELECTION**	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SUBTOTALS \$ 10,000 \$</b>													

(Enter (e) on  
Schedule E, Line 3)

**Schedule B Summary**

- Loans received this period (Total Column (b) plus unitemized loans of less than \$100.) ..... \$ 10,000
- Loans paid or forgiven this period (Total Column (c) plus loans under \$100 paid or forgiven.) ..... \$ 0  
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (Subtract Line 2 from Line 1.) ..... **NET \$** 10,000  
Enter the net here and on the Summary Page, Column A, Line 2. (May be a negative number)

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

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



# Schedule E Payments Made

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

Statement covers period  
from 01/01/2017

through 09/23/2017

Page 6 of 7

I.D. NUMBER  
1398222

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.  
CNS campaign consultants  
CTB contribution (explain nonmonetary)\*  
CVC civic donations  
FIL candidate filing/ballot fees  
FND fundraising events  
IND independent expenditure supporting/opposing others (explain)\*  
LEG legal defense  
LIT campaign literature and mailings

MBR member communications  
MTG meetings and appearances  
OFC office expenses  
PET petition circulating  
PHO phone banks  
POL polling and survey research  
POS postage, delivery and messenger services  
PRO professional services (legal, accounting)  
PRT print ads

RAD radio airtime and production costs  
RFD returned contributions  
SAL campaign workers' salaries  
TEL t.v. or cable airtime and production costs  
TRC candidate travel, lodging, and meals  
TRS staff/spouse travel, lodging, and meals  
TSF transfer between committees of the same candidate/sponsor  
VOT voter registration  
WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER ID. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Bank of America 90 Pier Ave Hermosa Beach, CA 90254	OFC		Cost of Check Book	69.00
Mina Printing 428 Arbor Vitae St. Inglewood, CA 90301	LIT		Campaign Literature	450
Fox Consulting 615 Esplanade Unit 604 Redondo Beach, CA 90277	LIT		Remittance Envelopes	319.05
			<b>SUBTOTAL \$</b>	<b>838.05</b>

\* 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.) ..... \$ 6,537.92
- 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 \$** 6,537.92



**Exhibit A-17**

# Recipient Committee Campaign Statement Cover Page

Page 1 of 7  
For Official Use Only



SEE INSTRUCTIONS ON REVERSE

Date of election if applicable:  
(Month, Day, Year)  
11/07/2017

Statement covers period  
from 9/24/2017  
through 10/21/2017

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

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

### 2. Type of Statement:

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

### 3. Committee Information

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)  
H. S. Fangary for City Council 2017

I.D. NUMBER  
1398222

### Treasurer(s)

NAME OF TREASURER  
Dina Fangary  
MAILING ADDRESS  
703 Pier Ave, Suite B673  
CITY STATE ZIP CODE AREA CODE/PHONE  
Hermosa Beach CA 90254 310 963 2657  
NAME OF ASSISTANT TREASURER, IF ANY  
MAILING ADDRESS  
CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

### 4. Verification

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

Executed on 10/26/2017 Date  
By Dina Fangary Signature of Treasurer or Assistant Treasurer  
Executed on 10/26/2017 Date  
By Amy S. Stawick Signature of Controlling Officerholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor  
Executed on \_\_\_\_\_ Date  
By \_\_\_\_\_ Signature of Controlling Officerholder, Candidate, State Measure Proponent  
Executed on \_\_\_\_\_ Date  
By \_\_\_\_\_ Signature of Controlling Officerholder, Candidate, State Measure Proponent

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

**5. Officeholder or Candidate Controlled Committee**

NAME OF OFFICEHOLDER OR CANDIDATE  
**H. S. Fangary**  
 OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)  
 City Council Member, City of Hermosa Beach  
 RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP  
 730 The Strand Hermosa Beach

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

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

**6. Primarily Formed Ballot Measure Committee**

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
Identify the controlling officeholder, candidate, or state measure proponent, if any.		

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPOSER

OFFICE SOUGHT OR HELD

DISTRICT NO. IF ANY

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

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

*Attach continuation sheets if necessary*



# Campaign Disclosure Statement Summary Page

Amounts may be rounded  
to whole dollars.

SUMMARY PAGE

Statement covers period  
from 9/24/2017  
through 10/21/2017

CALIFORNIA FORM **460**

Page 3 of 7

I.D. NUMBER  
1398222

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

H.S. Fangary for City Council 2017

## Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions.....	Schedule A, Line 3 \$ 1,533.00	\$ 2,283.00
2. Loans Received.....	Schedule B, Line 3 0	10,000.00
3. SUBTOTAL CASH CONTRIBUTIONS.....	Add Lines 1 + 2 \$ 1,533.00	\$ 11,533.00
4. Nonmonetary Contributions.....	Schedule C, Line 3 0	0
5. TOTAL CONTRIBUTIONS RECEIVED.....	Add Lines 3 + 4 \$ 1,533.00	\$ 11,533.00

## 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 \$ 1,415.00	\$ 7,952.92
7. Loans Made.....	Schedule H, Line 3 0	0
8. SUBTOTAL CASH PAYMENTS.....	Add Lines 6 + 7 \$ 1,415.00	\$ 7,952.92
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 \$ 1,415.00	\$ 7,952.92

## Expenditure Limit Summary for State Candidates

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 \$ 4,212.08
13. Cash Receipts.....	Column A, Line 3 above 1,533.00
14. Miscellaneous Increases to Cash.....	Schedule I, Line 4 0
15. Cash Payments.....	Column A, Line 8 above 1,415.00
16. ENDING CASH BALANCE.....	Add Lines 12 + 13 + 14, then subtract Line 15 \$ 4,330.08

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

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



# Schedule A Monetary Contributions Received

Amounts may be rounded  
to whole dollars.

SCHEDULE A

CALIFORNIA **460**  
FORM

Statement covers period  
from 9/24/2017  
through 10/21/2017

Page 4 of 7

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

H.S. Fangary for City Council 2017

I.D. NUMBER

1398222

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/20/2017	Mike Miller 830 8th Place Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Property Manager Inland Pacific Management	100.00	100.00	
10/6/2017	Robert Wolfe 3300 Palm Drive Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Lawyer Self Employed Wolfe Law Group	108.00	108.00	
10/3/2017	Donn Paben 442 30th Street Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	250.00	250.00	
10/20/2017	Dency Nelson 2415 Silverstrand Avenue Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	250.00	250.00	
10/20/2017	Moiria Nelson 2415 Silverstrand Avenue Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	250.00	250.00	
<b>SUBTOTAL \$</b>				<b>958.00</b>		

## Schedule A Summary

- Amount received this period – itemized monetary contributions.  
(Include all Schedule A subtotals.) .....\$ 1,533.00
- Amount received this period – unitemized monetary contributions of less than \$100 .....\$ 0
- Total monetary contributions received this period.  
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) ..... **TOTAL \$** 1,533.00

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

# Schedule A (Continuation Sheet) Monetary Contributions Received

Amounts may be rounded  
to whole dollars.

SCHEDULE A (CONT.)

CALIFORNIA  
FORM  
**460**

Statement covers period

from 9/24/2017

through 10/21/2017

Page 5 of 7

NAME OF FILER

H.S. Fangary for City Council 2017

I.D. NUMBER

1398222

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/20/2017	Beach Cities Democrats 525 E. Seaside Way, # 101-C Long Beach, CA 90802	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input checked="" type="checkbox"/> PTY <input type="checkbox"/> SCC		100.00	100.00	
10/15/2017	Alice Villalobos 1947 Manhattan Ave Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Veterinarian VCA Coast Animal Hospital	200.00	200.00	
10/19/2017	Janice Brittain	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	75.00	75.00	
10/20/2017	Walter Kasha 601 1st Street, # 6 Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Sales Manager Hewlett Packard	100.00	100.00	
10/5/2017	Kenneth Sarno 1040 10th St. Hermosa Beach, CA 90254	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	100	200	
<b>SUBTOTAL \$</b>				<b>575.00</b>		

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

**Schedule B - Part 1  
Loans Received**

Amounts may be rounded  
to whole dollars.

**CALIFORNIA  
FORM 460**

Statement covers period  
from 9/24/2017  
through 10/21/2017

Page 6 of 7

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

H.S. Fangary for City Council 2017

I.D. NUMBER  
1398222

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	OUTSTANDING BALANCE BEGINNING THIS PERIOD	AMOUNT RECEIVED THIS PERIOD	AMOUNT PAID OR FORGIVEN THIS PERIOD *	OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	INTEREST PAID THIS PERIOD	ORIGINAL AMOUNT OF LOAN	CUMULATIVE CONTRIBUTIONS TO DATE
Hany Fangary 730 The Strand Hermosa Beach, CA 90254 <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Hany Fangary Fangary Law Group	\$ 10,000	\$ 0	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	\$ 10,000	_____% RATE	\$ 10,000	_____ CALENDAR YEAR _____ PER ELECTION **
<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	\$ _____	_____% RATE	\$ _____	_____ CALENDAR YEAR _____ PER ELECTION **
<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	\$ _____	_____% RATE	\$ _____	_____ CALENDAR YEAR _____ PER ELECTION **
<b>SUBTOTALS</b>		\$ _____	\$ _____	\$ _____	\$ 10,000	\$ _____	\$ _____	\$ _____

**Schedule B Summary**

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

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

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

# Schedule E Payments Made

Amounts may be rounded  
to whole dollars.

SCHEDULE E

CALIFORNIA  
FORM  
**460**

Statement covers period

from 9/24/2017

through 10/21/2017

Page 7 of 7

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

H.S. Fangary for City Council 2017

I.D. NUMBER

1398222

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

CMP campaign paraphernalia/misc.  
CNS campaign consultants  
C/TB contribution (explain nonmonetary)\*  
CVC civic donations  
FIL candidate filing/ballot fees  
FND fundraising events  
IND independent expenditure supporting/opposing others (explain)\*  
LEG legal defense  
LIT campaign literature and mailings

MBR member communications  
MTG meetings and appearances  
OFC office expenses  
PET petition circulating  
PHO phone banks  
POL polling and survey research  
POS postage, delivery and messenger services  
PRO professional services (legal, accounting)  
PRT print ads

RAD radio airtime and production costs  
RFD returned contributions  
SAL campaign workers' salaries  
TEL t.v. or cable airtime and production costs  
TRC candidate travel, lodging, and meals  
TRS staff/spouse travel, lodging, and meals  
TSF transfer between committees of the same candidate/sponsor  
VOT voter registration  
WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Beach Reporter 2615 Pacific Coast Hwy, # 329 Hermosa Beach, C 90254	PRT		Full Page Ad in Beach Reporter	1,415.00
			<b>SUBTOTAL \$</b>	2,990

\* 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.) ..... \$ 1,415
- 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 \$** 1,415

**Exhibit A-18**




P.O. Box 15284  
Wilmington, DE 19850

## Business Advantage

### Customer service information

 1.888.BUSINESS (1.888.287.4637)

 bankofamerica.com

 Bank of America, N.A.  
P.O. Box 25118  
Tampa, FL 33622-5118

H S FANGARY FOR CITY COUNCIL 2017  
CAMPAIGN ACCOUNT



## Your Business Fundamentals Checking

for February 1, 2018 to February 28, 2018

H S FANGARY FOR CITY COUNCIL 2017 CAMPAIGN ACCOUNT

Account number: 

### Account summary

Beginning balance on February 1, 2018	\$4,895.32
Deposits and other credits	0.00
Withdrawals and other debits	-0.00
Checks	-0.00
Service fees	-0.00
<b>Ending balance on February 28, 2018</b>	<b>\$4,895.32</b>

# of deposits/credits: 0

# of withdrawals/debits: 0

# of items-previous cycle<sup>1</sup>: 6

# of days in cycle: 28

Average ledger balance: \$4,895.32

<sup>1</sup>Includes checks paid, deposited items & other debits

Thank you for choosing Bank of America.

SSM-02-17-0616A1 | ARG777TT



**Exhibit A-19**

# FAIR POLITICAL PRACTICES COMMISSION INVESTIGATION REPORT

**FPPC CASE NO:** 18/005

**CASE NAME:** H.S. Fangary

**REPORT NO.** 3

**REPORT TYPE:** Interview summary

**REPORT DATE:** 4/25/2018

**PREPARED BY:** M. Miller

**CASE ATTORNEY:** T. Gilbertson

## **NARRATIVE:**

On 4/25/2018, I conducted a recorded telephone interview with Hany Fangary, current councilmember at the City of Hermosa Beach and respondent in this case. Mr. Fangary resides at 730 The Strand, Hermosa Beach, CA 90254. His phone number is 310-995-7975.

During the interview, Mr. Fangary made the following statements:

- He ran unsuccessfully for Hermosa Beach City Council in 2011 and successfully in 2013 for the same office. In 2017, he was re-elected to the same office.
- He hired Lawrence Fox, a political consultant, for both his 2013 and 2017 campaigns.
- He relied upon Mr. Fox's guidance in completing Form 460s and other campaign statements in 2013 and 2017. On some occasions, Fox completed the campaign statements and Fangary signed them. On other occasions, Fangary completed the campaign statements using information from Fox.
- He set up and used a PayPal account to collect contributions for both the 2013 and 2017 campaigns. He said that he intended the campaign PayPal account to be separate and not comingled with his personal account, but that something went wrong and the accounts became comingled. He said he realized this error when gathering the PayPal records to provide to me.
- He said he was unaware of the One Bank Account Rule and wished he had learned about it sooner. He said that money was left over from both the 2013 and 2017 campaigns and those funds may still be in his PayPal balance.
- He said that his 2013 committee had remained open due to "laziness." He explained this by saying that he simply had not gone to the trouble of closing the books for his 2013 campaign. He was unsure what remaining cash balance was in the committee's bank account but said that he regarded it as his money because he was never repaid for his large loans to the committee.
- He said that he was mostly self-funded and that he did not believe he was irresponsible with other peoples' money.
- He did not recall if he had late-filed any of his Form 700 Statements of Economic Interest. He questioned why the FPPC would care about late-filing.
- He said that his 2017 campaign had several mailers and that only the first mailer lacked a return address. He said he would work with Lawrence Fox to get copies of all his 2017 mailers to me for reference.
- He requested that we set up a conference call or in-person meeting to take place prior to any decisions being made about a penalty in this case.

**Exhibit A-20**



Re-Elect  
**H.S. (Hany) Fangary**  
 Hermosa Beach City Council

My wife Dina, our two children and I moved to the Beach Cities 20 years ago, and I have been honored to serve on the Hermosa Beach City Council for the past four years. I have more than 25 years of professional experience as an environmental engineer and lawyer.

As your City Councilman I have focused on smart investments that keep Hermosa moving ahead.

**Protected our Community** from oil drilling and related environmental risks

**Invested in Public Safety** funding our new Fire Station

**Enhanced our Quality of Life** by beautifully renovating South Park

**Invested in our Community** with over \$25 million in infrastructure improvements

**HFangary.com | Hany@fangarylawn.com | 424.235.0857**

Paid for by H.S. Fangary  
 for City Council 2017  
 FPPC ID # 1398222

PRSR STD  
 U.S. POSTAGE  
**PAID**  
 LOS ANGELES, CA  
 PERMIT NO. 3137



**Mail Your Ballot Today. Vote November 7.**





We put an end to decades of oil related litigation, significantly improved fire services, funded a new fire station, and invested more than \$25 million in streets, parks and sewers.

**I will always seek your input and work hard to achieve our community goals.**

**H.S. (HANY) FANGARY**  
Hermosa Beach City Council



**Exhibit A-21**





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

February 24, 2022

Hany S. Fangary  
1501 9<sup>th</sup> St  
Manhattan Beach, CA  
90266

Dina Fangary  
1501 9<sup>th</sup> St  
Manhattan Beach, CA  
90266

Hany S. Fangary  
US Bank Tower  
633 W Fifth St, Suite  
5710  
Los Angeles, CA 90071

**NOTICE OF DEFAULT DECISION AND ORDER**

**Re: FPPC No. 2018-00005, In the Matter of Friends of H. Fangary for Hermosa Beach City Council 2013, H. S. Fangary for City Council 2017, Dina Fangary, and Hany S. Fangary**

Dear Respondents:

On August 4, 2021, and August 14, 2021, you were personally served with an accusation in the above referenced matter. Pursuant to the Administrative Procedure Act, you were required to file a notice of defense within 15 days after service of the accusation to request an administrative hearing. You did not file a notice of defense. **As a result, you have waived your right to an administrative hearing.**<sup>1</sup>

The Fair Political Practices Commission (the “Commission”) will proceed with a default, decision and order (“default”) against you. The initial notice of this default will appear on the published agenda for the Commission’s public meeting on March 17, 2022. 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 April 21, 2022 and impose an administrative penalty of \$24,000 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.

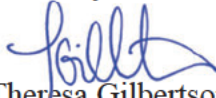
You may still resolve this matter informally by way of a stipulated settlement if an agreement can be reached prior to this matter appearing for consideration by the Commission. Please

---

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

contact me at (916) 323-6421 or [tgilbertson@fppc.ca.gov](mailto: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

**Exhibit A-22**



## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

March 24, 2022

Hany S. Fangary  
1501 9th St  
Manhattan Beach, CA  
90266

Dina Fangary  
1501 9th St  
Manhattan Beach, CA  
90266

Hany S. Fangary  
US Bank Tower  
633 W Fifth St, Suite 5710  
Los Angeles, CA 90071

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

**Re: FPPC No. 2018-00005  
In the Matter of Friends of H. Fangary for Hermosa Beach City Council  
2013, H. S. Fangary for City Council 2017, Dina Fangary, and Hany S.  
Fangary**

Dear Respondents:

On August 4, 2021, and August 14, 2021, you were personally served with an accusation in the above referenced matter. Pursuant to the Administrative Procedure Act, you were required to file a notice of defense within 15 days after service of the accusation to request an administrative hearing. You did not file a notice of defense. **As a result, you have waived your right to an administrative hearing.**<sup>1</sup>

The Fair Political Practices Commission (the "Commission") will proceed with a default, decision and order ("default") against you. The initial notice of this default appeared on the published agenda for the Commission's public meeting on March 24, 2022. The Commission will be asked to adopt the default at its public meeting scheduled for April 20, 2022 and impose an administrative penalty of \$24,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on April 20, 2022 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

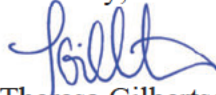
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<sup>1</sup> Government Code section 11505.

Commission's order to a court judgment. Please be advised that administrative penalties for violations of the Political Reform Act cannot be discharged in bankruptcy proceedings.

This letter is your last opportunity to resolve this matter informally by way of a stipulated settlement, before the default proceedings are commenced. If we do not reach a resolution, the enclosed documents will be placed on the Commission's agenda for the April 20, 2022 meeting. Please contact me at (916) 323-6421 or [tgilbertson@fppc.ca.gov](mailto:tgilbertson@fppc.ca.gov) if you wish to enter into a negotiated settlement.

Sincerely,

A handwritten signature in blue ink, appearing to read "Theresa Gilbertson".

Theresa Gilbertson  
Senior Commission Counsel  
Enforcement Division

Enclosures



**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. 18-00005; Friends of H. Fangary for Hermosa Beach City Council 2013, H. S. Fangary for City Council 2017, Dina Fangary, and Hany S. Fangary* 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 February 4, 2021

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated February 9, 2021, signed return receipt for D. Fangary and proof of personal service for H. Fangary

EXHIBIT A-3: Cover letter to the Respondents regarding the Report in Support of a Finding of Probable Cause, dated February 4, 2021, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated April 8, 2021



- EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated April 14, 2021
- EXHIBIT A-6: Accusation, dated August 2, 2021
- EXHIBIT A-7: Proof of Service on August 4, 2021, for Accusation and accompanying documents from process server regarding D. Fangary and Proof of Service on August 14, 2021, for Accusation and accompanying documents from process server regarding H. Fangary
- EXHIBIT A-8: Statement to Respondents, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated August 3, 2021
- EXHIBIT A-9: Initial statement of organization filed by the committee Friends of H. Fangary for Hermosa Beach City Council 2011 dated August 5, 2011.
- EXHIBIT A-10: Amended statement of organization filed by the committee Friends of H. Fangary for Hermosa City Council 2011 dated February 2, 2012
- EXHIBIT A-11: Amended statement of organization filed to redesignate the committee, now referred to as Friends of H. Fangary for Hermosa City Council 2013, dated September 13, 2013
- EXHIBIT A-12: Campaign statement filed by Friends of H. Fangary for Hermosa City Council 2013 for the reporting period of July 1, 2016 through December 31, 2016
- EXHIBIT A-13: Bank records for the committee Friends of H. Fangary for Hermosa City Council 2013 for period of February 2018
- EXHIBIT A-14: Initial statement of organization filed by the committee H. S. Fangary for City Council 2017, dated August 14, 2017
- EXHIBIT A-15: Amendment statement of organization filed by the committee H. S. Fangary for City Council 2017, dated October 26, 2017
- EXHIBIT A-16: Campaign statement filed by H. S. Fangary for City Council 2017 for the reporting period of January 1, 2017 through September 23, 2017
- EXHIBIT A-17: Campaign statement filed by H. S. Fangary for City Council 2017 for the reporting period of September 24, 2017 through October 21, 2017
- EXHIBIT A-18: Bank records for the committee H. S. Fangary for City Council 2017 for the period of February 2018
- EXHIBIT A-19: Investigation Report, Fair Political Practices Commission: Interview Summary dated April 25, 2018 by Special Investigator M. Miller.

EXHIBIT A-20: Example of mass mailing sent by H. S. Fangary for City Council 2017

EXHIBIT A-21: Notice of Default Decision and Order, dated February 24, 2022.

EXHIBIT A-22: Notice of Intent to Enter Default Decision and Order, dated March 24, 2022.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 20, 2022, at Sacramento, California.



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Shaina Elkin  
Associate Governmental Program Analyst  
Enforcement Division  
Fair Political Practices Commission

§ 18361.11. Default Proceedings.

(a) Notice of Default

(1) Where a respondent has failed to timely file a notice of defense pursuant to Section 11506, and the Enforcement Division pursues a default judgment from the Commission pursuant to Section 11520, the Enforcement Division shall send notice, a copy of the proposed Default Decision and Order, and a copy of the proposed Exhibit in Support of a Default Decision and Order, by first class mail, to the respondents against whom the default judgment has been entered at least 15 calendar days before the Commission hearing at which the default is scheduled to be heard.

(2) Notice shall be considered served from the date the default notice is postmarked.

(b) Briefing Procedure

(1) The Enforcement Division shall provide to the Commission a proposed Default Decision and Order, along with a proposed Exhibit in Support of a Default Decision and Order no later than 10 calendar days before the Commission hearing at which the default is scheduled to be heard.

(2) The respondent may 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. The response brief shall be served on the Commission Assistant, who shall provide a copy to the Enforcement Division.

(c) Default Hearing Procedure

(1) The Commission, in its discretion, may choose whether or not to consider any argument, evidence or material of any kind from respondents that is not provided more than five calendar days before the Commission hearing at which the default is scheduled to be heard.

(2) The Commission has full discretion to consider and take action based on any evidence without notice to the respondents, consistent with Section 11520.

(d) Motion to Vacate Default Judgments

(1) If a default judgment is entered into against a respondent, the Enforcement Division shall serve, by personal service on the respondent, notice of the default judgment, signed Default Decision and Order, an Exhibit in Support of a Default Decision and Order and a copy of this regulation to the respondent.

(2) Within seven calendar days after service on the respondent of a decision based on the respondent's default, the respondent may serve, by first class mail or in person, a written motion requesting that the decision be vacated and stating the grounds relied on. The Commission in its discretion may vacate the decision and grant a hearing on a showing of good cause consistent with Section 11520.

(3) The Motion to Vacate a Default Judgment shall be the only administrative remedy available to a respondent after entry of a default judgment.

**PROOF OF SERVICE**

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811. On March 29, 2022, I served the following document(s):

1. Letter re: Notice of Default Decision and Order and Administrative Fine, dated 03/24/2022, from Theresa Gilbertson, Senior Commission Counsel, Enforcement Division;
2. Copy of the signed Default Decision and Order, FPPC No. 18/000005
3. Exhibit 1 in Support of a Default Decision and Order and Exhibits A-1 through A-22; and
4. Copy of California Code of Regulations, Title 2, Section 18361.11, "Default 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 first class mail, following my company's ordinary business practices. I am readily familiar with this business' practice for collection and processing correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

**SERVICE LIST**

Hany S. Fangary  
1501 9th St  
Manhattan Beach, CA  
90266

Dina Fangary  
1501 9th St  
Manhattan Beach, CA  
90266

Hany S. Fangary  
US Bank Tower  
633 W Fifth St, Suite  
5710  
Los Angeles, CA  
90071

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 29, 2022.

  
\_\_\_\_\_  
Amber Rodriguez

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