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8
9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

10 STATE OF CALIFORNIA

11 In the Matter of) FPPC No.: 18/206
12)
13 COMMITTEE TO OPPOSE MEASURE E,)
AND JAMES R. NYMAN,)
14 Respondents.)
15) (Government Code Sections 11506
16) and 11520)

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

21 Pursuant to the California Administrative Procedure Act,¹ Committee to Oppose Measure E (the
22 “Committee”) and James R. Nyman (“Nyman”) have been served with all of the documents necessary to
23 conduct an administrative hearing regarding the above-captioned matter, including the following:

- 24 1. An Order Finding Probable Cause;
25 2. An Accusation;
26 3. A Notice of Defense (Two Copies per Respondent);
27

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


1 4. A Statement to Respondent; and

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

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

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

15
16 Dated: 04/01/2022



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

17
18
19 **ORDER**

20 The Commission issues this Default Decision and Order and imposes a total administrative
21 penalty of \$9,000 upon Committee to Oppose Measure E and James R. Nyman, payable to the "General
22 Fund of the State of California."

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

26
27 Dated: _____

Richard C. Miadich, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Committee to Oppose Measure E (the “Committee”) was a committee primarily formed to oppose Palos Verdes Measure E, which appeared on the ballot in the April 10, 2018 Special Municipal Election. Respondent James R. Nyman (“Nyman”) served as the principal officer and treasurer of the Committee.

The Political Reform Act (the “Act”)¹ requires a recipient committee to timely file preelection campaign statements and timely report financial activity. The Act also requires every recipient committee to file an amendment to its statement of organization within ten days of a change.

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

As a primarily formed committee and its principal officer/treasurer, the Committee and Nyman failed to timely file one preelection campaign statement, failed to timely report financial activity on one semiannual campaign statement, and failed to timely file an amendment to a statement of organization.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

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

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

² Section 83116.

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

⁴ Section 11503.

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

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

PROCEDURAL REQUIREMENTS AND HISTORY

A. Initiation of the Administrative Action

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

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

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

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-19, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against the Committee and Nyman in this matter by serving them with a Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by certified mail.¹² Nyman was served with the Report, individually and on behalf of the Committee,

⁵ Section 11506, subd. (a)(1)–(6).

⁶ Section 11506, subd. (c).

⁷ Section 11520, subd. (a).

⁸ Section 91000.5, subd. (a).

⁹ Section 83115.5.

¹⁰ Section 83115.5.

¹¹ Section 91000.5.

¹² Section 83115.5.

on or about January 30, 2020. (Certification, Exhibit A-2.) The administrative action commenced on January 30, 2020, and the five-year statute of limitations was effectively tolled on this date.

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

On January 31, 2020, Nyman submitted a written response to the PC Report but did not request a probable cause conference. (Certification, Exhibit A-4.)

Nyman was served with an Amended Report in Support of a Finding of Probable Cause (the “Amended Report”) (Certification, Exhibit A-5), individually and on behalf of the Committee, on or about August 8, 2020. (Certification, Exhibit A-6.)

As required by Section 83115.5, the packet served on the Committee and Nyman contained a cover letter and a memorandum describing probable cause proceedings, advising that the Committee and Nyman had 21 days in which to request a probable cause conference, file a written response to the Amended Report, or both. (Certification, Exhibit A-7.)

The Committee and Nyman did not request a probable cause conference or submit a written response to the Amended Report.

B. Ex Parte Request for a Finding of Probable Cause

Because the Committee and Nyman failed to request a probable cause conference or submit a written response to the Amended 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 January 26, 2021. (Certification, Exhibit A-8.)

On January 29, 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 Committee and Nyman. (Certification, Exhibit A-9.)

C. The Issuance and Service of the Accusation

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

¹³ 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 11507.7.¹⁴ The APA also sets forth the language required in the accompanying statement to the respondent.¹⁵

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

On July 2, 2021, the Commission's Chief of Enforcement, Angela J. Brereton, issued an Accusation against the Committee and Nyman. (Certification, Exhibit A-10.) In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form for each respondent, copies of Government Code Sections 11506, 11507.5, 11507.6, and 11507.7, were served upon the Committee and Nyman by personal service on July 10, 2021. (Certification, Exhibit A-11.)

Along with the Accusation, the Enforcement Division served the Committee and Nyman with a "Statement to Respondent," which notified them that they could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, they would be deemed to have waived the right to a hearing. (Certification, Exhibit

¹⁴ Section 11505, subd. (a).

¹⁵ Section 11505, subd. (b).

¹⁶ Section 11505, subd. (c).

A-12.) The Committee and Nyman did not file a Notice of Defense within the statutory time period, which ended on July 25, 2021.

As a result, on February 8, 2022, the Enforcement Division sent a letter to the Committee and Nyman advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for March 17, 2022. (Certification, Exhibit A-18.)

On April 1, 2022, the Enforcement Division sent another letter to the Committee and Nyman 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-19.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

SUMMARY OF THE LAW

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

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

Under the Act, "committee" means any person or combination of persons who directly or indirectly receives contributions totaling \$2,000 or more in a calendar year.¹⁹ This type of committee is known as a recipient committee.

"Primarily formed committee" means any recipient committee which is formed or exists primarily to support or oppose a single candidate, a single measure, a group of specific candidates being voted upon in the same city, county, or multicounty election, or two or more measures being voted upon in the same city, county, multicounty, or state election.²⁰

At the core of the Act's campaign reporting system is the requirement that committees file campaign statements and reports for certain reporting periods and by certain deadlines.²¹ The Act requires that primarily formed committees file preelection campaign statements.²² In particular, in connection with the April 10, 2018 Special Municipal Election, committees were required to file

¹⁷ Section 81002, subd. (a).

¹⁸ Section 84200, *et seq.*

¹⁹ Section 82013, subd. (a).

²⁰ Section 82047.5.

²¹ Sections 84200, *et seq.*

²² Section 84200.5, subd. (a).

a preelection campaign statement with the appropriate filing officer by the deadline of March 29, 2018 for the reporting period of February 25, 2018 to March 24, 2018.²³

A committee must disclose on campaign statements the total amount of all contributions received and expenditures made. For contributions and expenditures of \$100 or more, the statements must provide certain identifying information about the source of a contribution and the recipient of an expenditure.²⁴

A subvendor is a person or company that is hired by a committee's agent or independent contractor to provide a good or service for the committee. The Act requires committees to report payments of \$500 or more made on its behalf by an agent or independent contractor the same way it would if it were making the payment on its own.²⁵

Disclosure of the expenditures made by an agent or independent contractor is required to be made at the same time and in the same manner and detail as required for the committee's direct expenditures.²⁶ Specifically, the following information must be provided: (1) the subvendor's full name; (2) his or her street address; (3) the amount of each expenditure; and (4) a brief description of the consideration for which each expenditure was made.²⁷ This information reported by the candidate or committee is commonly referred to as "subvendor information."

Under the Act, a recipient committee must file a statement of organization within ten days after it qualifies as a recipient committee.²⁸ The committee must file the original of the statement of organization with the Secretary of State (the "SOS") and a copy with the local filing officer.²⁹ Whenever there is a change in any of the information contained in a statement of organization, an amendment shall be filed within ten days to reflect the change.³⁰ The committee must file the original of the amendment with the SOS and a copy with the local filing officer.³¹

SUMMARY OF THE EVIDENCE

The Committee filed its initial statement of organization and, according to its bank records, qualified as a recipient committee on March 19, 2018. (Certification, Exhibit A-13.)

Measure E sought a parcel tax on every eligible parcel of property in the city of Palos Verdes Estates in order to fund the local police department. The measure was successful, receiving approximately 69 percent of the vote in the April 10, 2018 Special Municipal Election.

²³ Sections 84200.8, subd. (b); and 84215.

²⁴ Section 84211, subs. (a), (b), (c), (f), (i), and (k).

²⁵ Section 84303.

²⁶ Regulation 18431, subd. (c); Section 84211, subd. (k).

²⁷ Section 84211, subs. (k)(1)-(4) and (6).

²⁸ Section 84101, subd. (a).

²⁹ Section 84101, subd. (a); and 84215.

³⁰ Section 84103, subd. (a).

³¹ Section 84103, subd. (a); and 84215.

In 2018, the Committee received contributions totaling \$4,861 and made expenditures totaling \$2,469. The Committee terminated as of April 12, 2018. (Certification, Exhibit A-14.)

Given the Committee's date of qualification, the Committee and Nyman were required to file a preelection campaign statement for the reporting period of February 25, 2018 to March 24, 2018, and a semiannual campaign statement for the reporting period of March 25, 2018 to June 30, 2018. Instead, on May 28, 2018, after the election, the Committee and Nyman filed one campaign statement covering an unspecified reporting period but appearing to cover the entire life of the Committee. (Certification, Exhibit A-15.) As a result, the Committee and Nyman failed to timely file the preelection campaign statement, which was due to be filed by March 29, 2018. This statement would have covered \$2,499 in contributions and no expenditures, per the Committee's bank records. (Certification, Exhibit A-16.)

The Committee and Nyman also failed to timely report certain financial activity for the reporting period of March 25, 2018 to June 30, 2018. The missing financial activity relates to payments made by Nyman and committee volunteers, Lisa Tanner ("Tanner") and Barbara Hauser ("Hauser").

Per bank records, Nyman made a loan in the amount of \$999 to the Committee on March 14, 2018, when the Committee opened its bank account. He was repaid \$669.30 by the Committee on April 12, 2018, at the termination of the Committee. (Certification, Exhibit A-16.) This resulted in a contribution in the amount of \$329.70 made by Nyman to the Committee. The Committee and Nyman failed to timely report the loan itself on any campaign statement. The Committee and Nyman further failed to timely report the loan repayment on the appropriate schedule (Schedule B) and failed to report the resulting \$329.70 contribution from Nyman, on the Committee's campaign statement for the reporting period of March 25, 2018 to June 30, 2018.

Information provided by Hauser and Tanner, along with the Committee's bank records, revealed the following activity. Between March 17, 2018 and March 31, 2018, Hauser paid a total of \$3,833.02, using personal funds, for two mailers for the Committee. At the time these payments were made by Hauser, she expected reimbursement from the Committee. (Certification, Exhibit A-17.)

Hauser was ultimately only reimbursed a portion of the subject expenditures. In particular, on March 26, 2018, the Committee paid Tanner \$1,800, which was not timely reported on the Committee's campaign statement for the reporting period of March 25, 2018 to June 30, 2018. (Certification, Exhibit A-16.) Tanner subsequently, on March 30, 2018, paid \$1,888.22 to Hauser, as reimbursement for Hauser's expenditures. (Certification, Exhibit A-17.) This resulted in a contribution of \$88.22 from Tanner and a nonmonetary contribution of \$1,944.80 from Hauser to the Committee.

Further, the Committee and Nyman failed to timely report certain of Hauser's payments as subvendor payments, including a \$997.48 payment made to Costco and \$888.22 payment made to USPS, on the Committee's campaign statement for the reporting period of March 25, 2018 to June 30, 2018. (Certification, Exhibit A-17.)

The Committee and Nyman also failed to timely file an amendment to the Committee's statement of organization. The Committee qualified on March 19, 2018 and, therefore, was required to file an amendment to its statement of organization adding the date it qualified within ten days of qualification. The Committee did not file the required amendment until April 12, 2018 (24 days late). (Certification, Exhibit A-14.)

Summary of Contacts

The Enforcement Division contacted the Committee and Nyman multiple times regarding the investigation and possible settlement. Overall, the Enforcement Division contacted the Committee and Nyman at least forty-three times throughout this case, as follows:

- April 4, 2018: letter from the Enforcement Division to the Committee
- April 8, 2018: letter from Nyman
- April 13, 2018: letter from Enforcement Division to Nyman
- April 16, 2018: letter from Nyman
- June 13, 2018: email from the Enforcement Division to Nyman
- June 18, 2018: emails between the Enforcement Division and Nyman
- June 19, 2018: emails between the Enforcement Division and Nyman
- June 25, 2018: email from the Enforcement Division to Nyman
- June 28, 2018: emails between the Enforcement Division and Nyman
- July 11, 2018: emails between the Enforcement Division and Nyman
- July 12, 2018: email from the Enforcement Division to Nyman
- July 12, 2018: voicemail from the Enforcement Division to Nyman
- July 16, 2018: emails between the Enforcement Division and Nyman
- July 19, 2018: emails between the Enforcement Division and Nyman
- July 20, 2018: email from the Enforcement Division to Nyman
- July 30, 2018: emails between the Enforcement Division and Nyman
- March 21, 2019: email from Nyman
- March 27, 2019: emails between the Enforcement Division and Nyman
- March 28, 2019: emails between the Enforcement Division and Nyman
- March 29, 2019: emails between the Enforcement Division and Nyman
- March 30, 2019: email from Nyman
- April 2, 2019: email from the Enforcement Division to Nyman
- April 18, 2019: email from Nyman
- April 19, 2019: email from the Enforcement Division to Nyman
- April 20, 2019: email from Nyman
- April 22, 2019: email from Nyman
- May 1, 2019: email from Nyman
- May 20, 2019: emails between the Enforcement Division and Nyman
- May 22, 2019: email from Nyman
- May 23, 2019: emails between the Enforcement Division and Nyman
- June 9, 2019: email from Nyman

- June 10, 2019: emails between the Enforcement Division and Nyman
- November 14, 2019: letter from the Enforcement Division to the Committee and Nyman
- January 30, 2020: Report in Support of Probable Cause served on the Committee and Nyman
- January 31-February 3, 2020: emails between the Enforcement Division and Nyman
- May 15-21, 2020: emails between the Enforcement Division and Nyman
- June 2-5, 2020: emails between the Enforcement Division and Nyman
- July 14-16, 2020: emails between the Enforcement Division and Nyman
- August 8, 2020: Amended Report in Support of a Finding of Probable Cause served on the Committee and Nyman
- August 18-24, 2020: emails between the Enforcement Division and Nyman
- January 12-14, 2021: emails between the Enforcement Division and Nyman
- January 26, 2021: copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed to the Committee and Nyman
- January 29, 2021: email from Nyman
- July 10, 2021: Accusation served on the Committee and Nyman
- August 18, 2021: email from Enforcement Division to Nyman
- January 11, 2022: letter from Nyman
- February 8, 2022: letter to the Committee and Nyman informing them that a Default Decision and Order would appear on the agenda for the March 17, 2022 Commission meeting as a notice item
- March 18, 2022: letter from the Enforcement Division to the Committee and Nyman
- April 1, 2022: Notice of Intent to Enter Default Decision and Order to the Committee and Nyman informing them that the Default Decision and Order would be presented at the April 20, 2022 meeting for Commission action

VIOLATIONS

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

COUNT 1

Failure to Timely File Preelection Campaign Statement

The Committee and Nyman had a duty to timely file a preelection campaign statement for the reporting period of February 25, 2018 through March 24, 2018 by the deadline of March 29, 2018. The Committee and Nyman failed to timely file a preelection campaign statement for the reporting period of February 25, 2018 through March 24, 2018. By failing to timely file a preelection campaign statement by the deadline of March 29, 2018, the Committee and Nyman violated Government Code Sections 84200.5, subdivision (a); and 84200.8, subdivision (b).

COUNT 2

Failure to Timely Report Financial Activity on Semiannual Campaign Statement

The Committee and Nyman had a duty to timely report \$329 in contributions, \$999 in loans, \$2,469 in expenditures, and \$1,885 in subvendor payments on the Committee's semiannual campaign statement for the reporting period of March 25, 2018 to June 30, 2018 by the deadline of July 31, 2018. The Committee and Nyman failed to timely report \$329 in contributions, \$999 in loans, \$2,469 in expenditures, and \$1,885 in subvendor payments on the Committee's semiannual campaign statement for the reporting period of March 25, 2018 to June 30, 2018. By failing to timely report \$329 in contributions, \$999 in loans, \$2,469 in expenditures, and \$1,885 in subvendor payments on the Committee's semiannual campaign statement by the deadline of July 31, 2018, the Committee and Nyman violated Government Code Sections 84211, subdivisions (a), (b), (c), (f), (g), (i), and (k); and 84303.

COUNT 3

Failure to Timely File Amendment to Statement of Organization

The Committee and Nyman had a duty to timely file an amendment to the Committee's statement of organization after the Committee qualified. The Committee and Nyman failed to timely file an amendment to the Committee's statement of organization after the Committee qualified. By failing to timely file an amendment to the Committee's statement of organization after the Committee qualified, the Committee and Nyman violated Government Code Section 84103, subdivision (a).

CONCLUSION

This matter consists of three counts of violating the Act, which carry a maximum total administrative penalty of \$15,000.³²

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

³² Section 83116, subd. (c).

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.³³

In this matter, the Committee and Nyman failed to timely file one preelection campaign statement, failed to timely report financial activity on one semiannual campaign statement, and failed to timely file an amendment to a statement of organization.

The failure to comply with campaign filing obligations resulted in a lack of information for the voting public regarding the Committee's campaign activity before the April 10, 2018 Special Municipal Election. The Committee did not disclose any of its financial activity until after the pertinent election. Nevertheless, 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 a lower level of associated public harm overall.

Nyman previously served as a member of the Palos Verdes Estates City Council, as well as Mayor of Palos Verdes Estates; therefore, he should have been knowledgeable about the requirements of the Act.

The Enforcement Division did not discover any evidence indicating an intention to conceal or deceive the public. Instead, the violations appear to have occurred due to negligence. In particular, Respondents did not appear to understand the requirements for committee qualification.

Respondents do not have a prior history of violating the Act, and the violations do not appear to be a part of a pattern as the Committee was open for a brief period of time, and its activity was limited.

The Enforcement Division did not discover any evidence indicating that Respondents 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).

Respondents were cooperative with the Enforcement Division in their investigation into the potential violations in this case; however, to date, Respondents have not filed corrective amendments to the Committee's campaign statements.

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.

³³ Regulation 18361.5, subd. (e).

Count 1

- *In the Matter of Santa Ana Committee for Safe Neighborhoods and Safe Access Supporting Measure BB and Opposing Measure CC, and Van Ton*, FPPC No. 15/1004. (The Commission approved a default decision on June 13, 2019.) The respondents, among other violations, failed to timely file one preelection campaign statement. The statement was not filed at the time of the default decision. The Commission imposed a penalty of \$5,000 for this violation.

Here, the Committee and Nyman also failed to file one preelection campaign statement prior to the pertinent election. However, the level of activity was much lower than in the comparable case. The Committee and Nyman received contributions totaling \$4,861 and made expenditures totaling \$2,469 while the committee in the comparable case received and spent approximately \$156,620. In aggravation, there was no disclosure by the Committee prior to the election, whereas in the comparable case, there was some disclosure before the pertinent election.

Count 2

- *In the Matter of Wyman for Attorney General 2014 and James M. O'Hearn*, FPPC No. 17/378. (The Commission approved a default decision on April 16, 2020.) The respondents, among other violations, failed to timely report \$7,000 in subvendor payments. The Committee imposed a penalty of \$4,000.

Here, the Committee and Nyman failed to timely report \$5,682 in campaign activity.

Count 3

- *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 an amendment to statement of organization. The respondents filed the required statement after the relevant election. The Commission imposed a penalty of \$2,000 for this violation.

Here, the Committee and Nyman also failed to timely file an amendment to statement of organization, and the required statement was filed after the relevant election.

PROPOSED PENALTY

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

Counts	Violations	Proposed Penalty per Count
1	Failure to Timely File Preelection Campaign Statement	\$3,500
2	Failure to Timely Report Financial Activity on Semiannual Campaign Statement	\$3,500
3	Failure to Timely File Amendment to Statement of Organization	\$2,000
	Total:	\$9,000



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

CERTIFICATION OF RECORDS

The undersigned declares and certifies as follows:

1. I am employed as an Associate Governmental Program Analyst by the California Fair Political Practices Commission (Commission). My business address is: California Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811.
2. I am a duly authorized custodian of the records maintained by the Commission in the Enforcement Division. As such, I am authorized to certify copies of those records as being true and correct copies of the original business records which are in the custody of the Commission.
3. I have reviewed documents maintained in *FPPC Case No. 18/206; Committee to Oppose Measure E, and James R. Nyman*, and have caused copies to be made of documents contained therein. I certify that the copies attached hereto are true and correct copies of the documents prepared in the normal course of business and which are contained in files maintained by the Commission. The attached documents are as follows:

EXHIBIT A-1: Report in Support of a Finding of Probable Cause, dated January 22, 2020

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated January 22, 2020, and Return Receipt indicating service on January 30, 2020

EXHIBIT A-3: Cover letter to the respondents regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated January 22, 2020

EXHIBIT A-4: Written response to Report in Support of a Finding of Probable Cause, submitted by James R. Nyman, dated January 31, 2020

EXHIBIT A-5: Amended Report in Support of a Finding of Probable Cause, dated August 3, 2020

- EXHIBIT A-6: Proof of Service for the Amended Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated August 4, 2020, and Return Receipt indicating service on August 8, 2020
- EXHIBIT A-7: Cover letter to the respondents regarding the Amended Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated August 3, 2020
- EXHIBIT A-8: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated January 26, 2021
- EXHIBIT A-9: Finding of Probable Cause and Order to Prepare and Serve an Accusation and Proof of Service, dated January 29, 2021
- EXHIBIT A-10: Accusation, dated July 2, 2021
- EXHIBIT A-11: Proofs of Service dated July 8, 2021 and July 10, 2021, for Accusation and accompanying documents
- EXHIBIT A-12: Statement to the Respondent, Notices of Defense, and applicable statutes, dated July 2, 2021
- EXHIBIT A-13: Statement of organization filed by Committee to Oppose Measure E on March 19, 2018
- EXHIBIT A-14: Amendments to statement of organization filed by Committee to Oppose Measure E on April 12, 2018, April 19, 2018, and April 24, 2018
- EXHIBIT A-15: Campaign statement for unspecified period, filed by Committee to Oppose Measure E on May 28, 2018
- EXHIBIT A-16: Statements from Malaga Bank, Account Holder: Committee to Oppose Measure E, produced pursuant to investigative subpoena No. 18206-01
- EXHIBIT A-17: Records produced by Lisa Tanner and Barbara Hauser, on July 3, 2018 and July 16, 2018
- EXHIBIT A-18: Notice of Default Decision and Order, dated February 8, 2022
- EXHIBIT A-19: Final Notice of Default Decision and Order, dated April 1, 2022

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 1, 2022, at Sacramento, California.

Shaina Elkin

Shaina Elkin
Associate Governmental Program Analyst
Enforcement Division
Fair Political Practices Commission

Exhibit A-1

1 GALENA WEST
Chief of Enforcement
2 CHRISTOPHER BURTON
Senior Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 322-5021
5 Email: cburton@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. 18/206
12)
13) **REPORT IN SUPPORT OF A FINDING OF**
14) **PROBABLE CAUSE**
15)
16) COMMITTEE TO OPPOSE MEASURE)
17) E, AND JAMES R. NYMAN,)
18)
19) Respondents.)
20)
21) Conference Date: TBA
22) Conference Time: TBA
23) Conference Location: Commission Offices
24) 1102 Q Street, Suite 3000
25) Sacramento, CA 95811
26)
27)

28 **INTRODUCTION**

Committee to Oppose Measure E (the "Committee") was a committee primarily formed to oppose Palos Verdes Estates Measure E, which appeared on the ballot in the April 10, 2018 Special Municipal Election. James R. Nyman ("Nyman") served as the principal officer and treasurer of the Committee.

Respondents committed numerous violations of the Political Reform Act (the "Act"),¹ including

¹ The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission 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.

1 a failure to timely file a preelection campaign statement, failure to timely report financial activity on a
2 semiannual campaign statement, failure to timely file an amendment to the Committee’s statement of
3 organization, and failure to include the required disclosures on a newspaper advertisement paid for by
4 the Committee.

5 **SUMMARY OF THE LAW**

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

10 Jurisdiction

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

21 ///

22 ///

23 ///

24 ² Section 83111.

25 ³ Section 83116.

26 ⁴ Sections 83115.5 and 83116; Regulations 18361, subd. (b), and 18361.4.

27 ⁵ Regulation 18361.4, subd. (e).

28 ⁶ Section 83116; Regulation 18361.4, subd. (e).

1 Standard for Finding Probable Cause

2 For the hearing officer to make a finding of probable cause, it is only necessary that he or she be
3 presented with sufficient evidence to lead a person of ordinary caution and prudence to believe, or
4 entertain a strong suspicion, that a proposed respondent committed or caused a violation.⁷

5 Contents of the Probable Cause Report

6 The probable cause report is required to contain a summary of the law and evidence gathered in
7 connection with the investigation, including any exculpatory and mitigating information of which the
8 staff has knowledge and any other relevant material and arguments. The evidence recited in the
9 probable cause report may include hearsay.⁸

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

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

14 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in
15 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper
16 practices are inhibited.¹¹ Along these lines, the Act includes a comprehensive campaign reporting
17 system.¹² Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act
18 will be “vigorously enforced.”¹³

19 Mandatory Filing of Campaign Statements

20 At the core of the Act’s campaign reporting system is the requirement that committees file
21 campaign statements and reports for certain reporting periods and by certain deadlines.¹⁴

22
23 ⁷ Section 83115.5; Regulation 18361.4, subd. (e).

24 ⁸ Regulation 18361.4, subd. (a).

25 ⁹ Section 81001, subd. (h).

26 ¹⁰ Section 81003.

27 ¹¹ Section 81002, subd. (a).

28 ¹² Sections 84200, *et seq.*

¹³ Section 81002, subd. (f).

¹⁴ Sections 84200, *et seq.*

1 The Act requires that primarily formed committees file preelection campaign statements.¹⁵ In
2 particular, in connection with the April 10, 2018 Special Municipal Election, committees were required
3 to file a preelection campaign statement with the appropriate filing officer by the deadline of March 29,
4 2018 for the reporting period of February 25, 2018 to March 24, 2018.¹⁶

5 Disclosure of Contributions and Expenditures

6 A committee must disclose on campaign statements the total amount of all contributions
7 received and expenditures made. For contributions and expenditures of \$100 or more, the statements
8 must provide certain identifying information about the source of a contribution and the recipient of an
9 expenditure.¹⁷

10 Duty to Report Subvendor Payments

11 A subvendor is a person or company that is hired by a committee's agent or independent
12 contractor to provide a good or service for the committee. The Act requires committees to report
13 payments of \$500 or more made on its behalf by an agent or independent contractor the same way it
14 would if it were making the payment on its own.¹⁸ Disclosure of the expenditures made by an agent or
15 independent contractor are required to be made at the same time and in the same manner and detail as
16 required for the committee's direct expenditures.¹⁹ Specifically, the following information must be
17 provided: (1) the subvendor's full name; (2) his or her street address; (3) the amount of each
18 expenditure; and (4) a brief description of the consideration for which each expenditure was made.²⁰
19 This information reported by the candidate or committee is commonly referred to as "subvendor
20 information."

21 ///

22 ///

24 ¹⁵ Section 84200.5, subd. (a).

25 ¹⁶ Sections 84200.8, subd. (b); and 84215.

26 ¹⁷ Section 84211, subds. (a), (b), (c), (f), (i), and (k).

27 ¹⁸ Section 84303.

28 ¹⁹ Regulation 18431, subd. (c); Section 84211, subd. (k).

²⁰ Section 84211, subds. (k)(1)-(4) and (6).

1 Statement of Organization

2 Under the Act, a recipient must file a statement of organization within ten days after it qualifies
3 as a recipient committee.²¹ The committee must file the original of the statement of organization with
4 the Secretary of State (the “SOS”) and a copy with the local filing officer.²² Whenever there is a change
5 in any of the information contained in a statement of organization, an amendment shall be filed within
6 ten days to reflect the change.²³ The committee must file the original of the amendment with the SOS
7 and a copy with the local filing officer.²⁴

8 Advertisement Disclosure

9 An “advertisement” under the Act means any general or public communication that is
10 authorized and paid for by a committee for the purpose of supporting or opposing a candidate(s) for
11 elective office or a ballot measure(s).²⁵

12 Under the Act, any advertisement paid for by a primarily formed committee shall include the
13 words “Paid for by” followed by the name of the committee.²⁶

14 Joint and Several Liability of Committee, Principal Officer, and Treasurer

15 It is the duty of a committee treasurer to ensure that the committee complies with the campaign
16 reporting provisions of the Act.²⁷ It is the duty of the committee’s principal officer to authorize the
17 content of communications made by the committee, authorize expenditures made by the committee, and
18 determine the committee’s campaign strategy.²⁸ A treasurer and principal officer may be held jointly
19 and severally liable, along with the committee, for violations committed by the committee.²⁹

20 **SUMMARY OF THE EVIDENCE**

21 The Committee filed its initial statement of organization and qualified on March 19, 2018.

22

²¹ Section 84101, subd. (a).

23 ²² Section 84101, subd. (a); and 84215.

24 ²³ Section 84103, subd. (a).

25 ²⁴ Section 84103, subd. (a); and 84215.

26 ²⁵ Section 84501.

27 ²⁶ Section 84502.

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

²⁸ Section 82047.6; Regulation 18402.1, subd. (b).

²⁹ Sections 83116.5 and 91006.

1 Measure E sought a parcel tax on every eligible parcel of property in the city of Palos Verdes Estates in
2 order to fund the local police department. The measure was successful, receiving approximately 69
3 percent of the vote.

4 In 2018, the Committee received contributions totaling \$4,861.72 and made expenditures
5 totaling \$2,469.30. The Committee terminated as of April 12, 2018.

6 Given its date of qualification, the Committee was required to file a preelection campaign
7 statement for the reporting period of February 25, 2018 to March 24, 2018, and a semiannual campaign
8 statement for the reporting period of March 25, 2018 to June 30, 2018. Instead, on May 28, 2018, after
9 the election, the Committee filed one campaign statement covering an unspecified reporting period, but
10 appearing to cover the entire life of the Committee. As a result, the Committee failed to timely file the
11 preelection campaign statement, which was due to be filed by March 29, 2018. This statement would
12 have covered \$2,499 in contributions and no expenditures.

13 The Committee also failed to timely report certain financial activity for the reporting period of
14 March 25, 2018 to June 30, 2018. The missing financial activity relates to payments made by Nyman
15 and committee volunteers, Lisa Tanner (“Tanner”) and Barbara Hauser (“Hauser”). Nyman made a loan
16 in the amount of \$999 to the Committee on March 14, 2018. He was repaid \$669.30 by the Committee
17 on April 12, 2018, at the termination of the Committee. This resulted in a contribution in the amount of
18 \$329.70 made by Nyman to the Committee. The Committee failed to timely report the loan itself on
19 any campaign statement. The Committee further failed to timely report the loan repayment on the
20 appropriate schedule (Schedule B) and failed to report the resulting \$329.70 contribution from Nyman,
21 on the Committee’s campaign statement for the reporting period of March 25, 2018 to April 12, 2018.

22 Between March 17, 2018 and March 31, 2018, Hauser paid a total of \$3,833.02, using personal
23 funds, for two mailers for the Committee. At the time these payments were made by Hauser, she
24 expected reimbursement from the Committee. However, Hauser was ultimately only reimbursed a
25 portion of the subject expenditures. Instead, on March 26, 2018, the Committee paid Tanner \$1,800,
26 which was not timely reported on the Committee’s campaign statement for the reporting period of
27

1 March 25, 2018 to June 30, 2018. Tanner subsequently, on March 30, 2018, paid \$1,888.22 to Hauser,
2 as reimbursement for Hauser's expenditures. This resulted in a contribution of \$88.22 from Tanner and
3 a nonmonetary contribution of \$1,944.80 from Hauser to the Committee, neither of which were
4 reported by the Committee. Further, the Committee failed to report certain of Hauser's payments as
5 subvendor payments, including a \$997.48 payment made to Costco and \$888.22 payment made to
6 USPS, on the Committee's campaign statement for the reporting period of March 25, 2018 to June 30,
7 2018.

8 The Committee failed to timely file an amendment to its statement of organization. The
9 Committee qualified on March 19, 2018 and, therefore, was required to file an amendment to its
10 statement of organization adding the date it qualified within ten days of qualification. The Committee
11 did not file the required amendment until April 12, 2018 (24 days late).

12 The Committee also paid for a newspaper advertisement that failed to comply with the Act's
13 advertising disclosure requirements. The Committee paid for an ad in the Palos Verdes Peninsula on
14 March 28, 2018. The ad, which encouraged voters to vote against Measure E, failed to include any
15 disclosure, including the required "Paid for by" and committee name.

16 **VIOLATIONS**

17 Count 1: Failure to Timely File Preelection Campaign Statement

18 The Committee and Nyman failed to timely file a preelection campaign statement for the
19 reporting period of February 25, 2018 to March 24, 2018, in violation of Sections 84200.5, subdivision
20 (a); and 84200.8, subdivision (b).

21 Count 2: Failure to Timely Report Financial Activity on Semiannual Campaign Statement

22 The Committee and Nyman failed to timely report \$2,362.72 in contributions, \$999 in loans,
23 \$2,469.30 in expenditures, and \$1,885.70 in subvendor payments on the Committee's semiannual
24 campaign statement for the reporting period of March 25, 2018 to June 30, 2018, in violation of Section
25 84211, subdivisions (a), (b), (c), (f), (g), (i), and (k); and 84303.

26 ///

1 Count 3: Failure to Timely File Amendment to Statement of Organization

2 The Committee and Nyman failed to timely file an amendment to the Committee’s statement of
3 organization after the Committee qualified, in violation of Section 84103, subdivision (a).

4 Count 4: Failure to Comply With Disclosure Requirements for Political Advertisements

5 The Committee and Nyman failed to include the required language “Paid for by” and the name
6 of the Committee on a newspaper advertisement paid for by the Committee, in violation of Section
7 84502.

8 **EXCULPATORY OR MITIGATING INFORMATION**

9 Respondents were cooperative with the Enforcement Division in their investigation into the
10 potential violations in this case. Respondents do not have a prior history of violating the Act.

11 **CONCLUSION**

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

15
16 Dated: January 22, 2020

17 Respectfully Submitted,

18 **FAIR POLITICAL PRACTICES COMMISSION**
19 Galena West
20 Enforcement Chief

21 

22 By: Christopher Burton
23 Senior Commission Counsel
24 Enforcement Division

Exhibit A-2

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is: Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811. On January 22, 2020, I served the following document(s):

1. Letter dated January 22, 2020 from Christopher Burton;
2. FPPC No. 18/206 Report in Support of a Finding of Probable Cause;
3. Probable Cause Fact Sheet;
4. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings

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

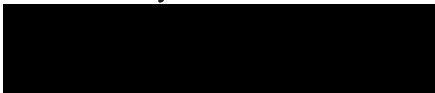
By United States Postal Service. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the addresses listed below and placed the envelope or package for collection and mailing by certified mail, return receipt requested, following my company's ordinary business practices.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

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

SERVICE LIST

Certified Mail, Return Receipt Requested

Committee to Oppose Measure E
James R. Nyman



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 22, 2020.

A handwritten signature in cursive script, appearing to read "C. Burton", written over a horizontal line.

Christopher B. Burton

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.

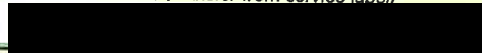
1. Article Addressed to:

James Nyman



9590 9402 4740 8344 7635 72

2. Article Number (Transfer from service label)



COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

James Nyman

C. Date of Delivery

FEB 15 2020

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

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PH 3:15

RECEIVED
POLITICAL
COMMISSION

Exhibit A-3



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

January 22, 2020

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Committee to Oppose Measure E
James R. Nyman

In the Matter of Committee to Oppose Measure E, and James R. Nyman; FPPC No. 18/206

Dear Mr. Nyman:

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 campaign filing and reporting, and advertisement disclosure provisions of the Political Reform Act (the “Act”). The enclosed Report in Support of a Finding of Probable Cause (the “Report”) contains a summary of the alleged violations and the relevant law and evidence.

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

Please note that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. ***If you are interested in reaching a settlement in this matter, please contact me at (916) 322-5021 or cburton@fppc.ca.gov.***

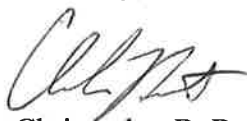
Finally, you have the right to request discovery of the evidence in possession of, and relied upon by, the Enforcement Division. ***This request must also be filed with the Commission Assistant***

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

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

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

Sincerely,



Christopher B. Burton
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 unique, and most respondents and their attorneys are unfamiliar with them. Therefore, we have prepared this summary to acquaint you with the process.

THE LAW

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

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

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

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

THE PROCEDURE

Probable Cause Report

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

Discovery

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

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

Response to Probable Cause Report

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

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

Staff Reply

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

Probable Cause Conference

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

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

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

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

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

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

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

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

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

Probable Cause Order and Accusation

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

Continuances

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

Settlements

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

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

CONCLUSION

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

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

CALIFORNIA GOVERNMENT CODE

Probable Cause Statutes

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

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

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

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

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

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

Probable Cause Regulations

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

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

§ 18361.4. Probable Cause Proceedings

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

§ 18362. Access to Enforcement Records

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

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

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

§ 18361.2. Memorandum Respecting Civil Litigation.

(a) If the Executive Director concludes civil litigation should be initiated, he or she shall submit to the Commission a written memorandum, which shall be first reviewed by the General Counsel, or an attorney from the Legal Division, summarizing the facts and the applicable law of the case and recommending the initiation of a lawsuit. The memorandum shall include all exculpatory and mitigating information known to the staff.

(b) The Commission shall review the memorandum at an executive session. The General

Counsel, or an attorney from the Legal Division, and the Commission Assistant shall be in attendance. No other member of the staff may be present unless the Commission meets with a member of the staff for that person to answer questions. The Commission may not resume its deliberations until the person is no longer present. Any communication between the Commission and the person during the executive session shall be recorded. After review of the memorandum, the Commission may direct the Executive Director to do any of the following:

- (1) Initiate civil litigation.
 - (2) Decide whether probable cause proceedings should be commenced pursuant to 2 Cal. Code of Regulations Section 18361.4.
 - (3) Return the matter to the staff for further investigation.
 - (4) Take no further action on the matter or take any other action it deems appropriate.
- (c) If the Commission decides to initiate civil litigation, the Commission may then permit other members of the staff to attend the executive session.
- (d) If the Executive Director deems it necessary, he or she may call a special meeting of the Commission to review a staff memorandum recommending the initiation of civil litigation.
- (e) It is the intent of the Commission in adopting this section to preserve for the members of the Commission the authority to decide whether alleged violations should be adjudicated in administrative hearings or in civil litigation, while at the same time avoiding the possibility that discussions with members of the staff might cause members of the Commission to prejudge a case that might be heard by the Commission under Government Code Section 83116.

Exhibit A-4

Friday, January 31, 2020

Fair Political Practices Commission
1102 Q Street Suite 3000
Sacramento, CA 95811
Attn: Commission Assistant

RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION
2020 FEB -3 PH 3: 54

Dear FPPC,

I am in receipt of your letter dated 1/22/20 regarding "The Committee to Oppose Measure "E." I think you have the wrong person as (1) I did not have anything to do with the Committee to Oppose Measure "E" except that I told the private persons sending a mailer that they could use my P.O. Box for any returned mail (there was none). I do not believe that the Committee raised \$2,000 so I don't believe that it needed to file/do anything. Regardless, I (only) allowed my P.O. Box to be used.

Please do the necessary 'discovery' as that will prove that I did not send out any mailer. In fact, I don't even know HOW to send a mailer!

In point of fact, about 35 years ago, when I was on the PV Estates City Council, I invented the concept of a Fire Benefit Assessment Tax. While I think that the City should cut costs, the fact that we will always need more revenue is not under discussion.

In closing, thank you for your service and help with this matter.

Sincerely,

Jim Nyman

Owner

Exhibit A-5

1 GALENA WEST
Chief of Enforcement
2 CHRISTOPHER BURTON
Senior Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 322-5021
5 Email: cburton@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. 18/206
12)
13) **AMENDED REPORT IN SUPPORT OF A**
COMMITTEE TO OPPOSE MEASURE) **FINDING OF PROBABLE CAUSE**
14 E, AND JAMES R. NYMAN,)
15) Conference Date: TBA
Respondents.) Conference Time: TBA
16) Conference Location: Commission Offices
17) 1102 Q Street, Suite 3000
Sacramento, CA 95811

18 **INTRODUCTION**

19 Committee to Oppose Measure E (the “Committee”) was a committee primarily formed to
20 oppose Palos Verdes Estates Measure E, which appeared on the ballot in the April 10, 2018 Special
21 Municipal Election. James R. Nyman (“Nyman”) served as the principal officer and treasurer of the
22 Committee.

23 Respondents committed numerous violations of the Political Reform Act (the “Act”),¹ including
24

25 ¹ The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the
26 Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in
27 Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division
28 6 of the California Code of Regulations, unless otherwise indicated.

1 a failure to timely file a preelection campaign statement, failure to timely report financial activity on a
2 semiannual campaign statement, and failure to timely file an amendment to the Committee’s statement
3 of organization.

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.² This includes enforcement through
12 administrative prosecution.³ However, before the Commission’s Enforcement Division may commence
13 administrative prosecution by filing/serving an Accusation, a hearing officer (either the General
14 Counsel of the Commission or another attorney in the Commission’s Legal Division) must determine
15 whether there is probable cause to believe that one or more violations of the Act occurred.⁴ Any finding
16 of probable cause is required by law to be announced publicly, which includes the posting of a
17 summary of the allegations on the Commission’s website.⁵ After a finding of probable cause, the
18 Commission may then hold a hearing to determine what violations have occurred—and levy an
19 administrative penalty of up to \$5,000 for each violation.⁶

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24 ² Section 83111.

25 ³ Section 83116.

26 ⁴ Sections 83115.5 and 83116; Regulations 18361, subd. (b), and 18361.4.

27 ⁵ Regulation 18361.4, subd. (e).

28 ⁶ Section 83116; Regulation 18361.4, subd. (e).

1 Standard for Finding Probable Cause

2 For the hearing officer to make a finding of probable cause, it is only necessary that he or she be
3 presented with sufficient evidence to lead a person of ordinary caution and prudence to believe, or
4 entertain a strong suspicion, that a proposed respondent committed or caused a violation.⁷

5 Contents of the Probable Cause Report

6 The probable cause report is required to contain a summary of the law and evidence gathered in
7 connection with the investigation, including any exculpatory and mitigating information of which the
8 staff has knowledge and any other relevant material and arguments. The evidence recited in the
9 probable cause report may include hearsay.⁸

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

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

14 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in
15 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper
16 practices are inhibited.¹¹ Along these lines, the Act includes a comprehensive campaign reporting
17 system.¹² Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act
18 will be “vigorously enforced.”¹³

19 Mandatory Filing of Campaign Statements

20 At the core of the Act’s campaign reporting system is the requirement that committees file
21 campaign statements and reports for certain reporting periods and by certain deadlines.¹⁴

23 ⁷ Section 83115.5; Regulation 18361.4, subd. (e).

24 ⁸ Regulation 18361.4, subd. (a).

25 ⁹ Section 81001, subd. (h).

26 ¹⁰ Section 81003.

27 ¹¹ Section 81002, subd. (a).

28 ¹² Sections 84200, *et seq.*

¹³ Section 81002, subd. (f).

¹⁴ Sections 84200, *et seq.*

1 The Act requires that primarily formed committees file preelection campaign statements.¹⁵ In
2 particular, in connection with the April 10, 2018 Special Municipal Election, committees were required
3 to file a preelection campaign statement with the appropriate filing officer by the deadline of March 29,
4 2018 for the reporting period of February 25, 2018 to March 24, 2018.¹⁶

5 Disclosure of Contributions and Expenditures

6 A committee must disclose on campaign statements the total amount of all contributions
7 received and expenditures made. For contributions and expenditures of \$100 or more, the statements
8 must provide certain identifying information about the source of a contribution and the recipient of an
9 expenditure.¹⁷

10 Duty to Report Subvendor Payments

11 A subvendor is a person or company that is hired by a committee's agent or independent
12 contractor to provide a good or service for the committee. The Act requires committees to report
13 payments of \$500 or more made on its behalf by an agent or independent contractor the same way it
14 would if it were making the payment on its own.¹⁸ Disclosure of the expenditures made by an agent or
15 independent contractor are required to be made at the same time and in the same manner and detail as
16 required for the committee's direct expenditures.¹⁹ Specifically, the following information must be
17 provided: (1) the subvendor's full name; (2) his or her street address; (3) the amount of each
18 expenditure; and (4) a brief description of the consideration for which each expenditure was made.²⁰
19 This information reported by the candidate or committee is commonly referred to as "subvendor
20 information."

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24 ¹⁵ Section 84200.5, subd. (a).

25 ¹⁶ Sections 84200.8, subd. (b); and 84215.

26 ¹⁷ Section 84211, subds. (a), (b), (c), (f), (i), and (k).

27 ¹⁸ Section 84303.

28 ¹⁹ Regulation 18431, subd. (c); Section 84211, subd. (k).

²⁰ Section 84211, subds. (k)(1)-(4) and (6).

1 Statement of Organization

2 Under the Act, a recipient committee must file a statement of organization within ten days after
3 it qualifies as a recipient committee.²¹ The committee must file the original of the statement of
4 organization with the Secretary of State (the “SOS”) and a copy with the local filing officer.²²
5 Whenever there is a change in any of the information contained in a statement of organization, an
6 amendment shall be filed within ten days to reflect the change.²³ The committee must file the original
7 of the amendment with the SOS and a copy with the local filing officer.²⁴

8 Joint and Several Liability of Committee, Principal Officer, and Treasurer

9 It is the duty of a committee treasurer to ensure that the committee complies with the campaign
10 reporting provisions of the Act.²⁵ It is the duty of the committee’s principal officer to authorize the
11 content of communications made by the committee, authorize expenditures made by the committee, and
12 determine the committee’s campaign strategy.²⁶ A treasurer and principal officer may be held jointly
13 and severally liable, along with the committee, for violations committed by the committee.²⁷

14 **SUMMARY OF THE EVIDENCE**

15 The Committee filed its initial statement of organization and, according to its bank records,
16 qualified as a recipient committee on March 19, 2018. Measure E sought a parcel tax on every eligible
17 parcel of property in the city of Palos Verdes Estates in order to fund the local police department. The
18 measure was successful, receiving approximately 69 percent of the vote.

19 In 2018, the Committee received contributions totaling \$4,861 and made expenditures totaling
20 \$2,469. The Committee terminated as of April 12, 2018.

21 Given its date of qualification, the Committee was required to file a preelection campaign
22 statement for the reporting period of February 25, 2018 to March 24, 2018, and a semiannual campaign

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24 ²¹ Section 84101, subd. (a).

25 ²² Section 84101, subd. (a); and 84215.

26 ²³ Section 84103, subd. (a).

27 ²⁴ Section 84103, subd. (a); and 84215.

28 ²⁵ Sections 81004, 84100, 84104, and 84213; Regulation 18427.

²⁶ Section 82047.6; Regulation 18402.1, subd. (b).

²⁷ Sections 83116.5 and 91006.

1 statement for the reporting period of March 25, 2018 to June 30, 2018. Instead, on May 28, 2018, after
2 the election, the Committee filed one campaign statement covering an unspecified reporting period, but
3 appearing to cover the entire life of the Committee. As a result, the Committee failed to timely file the
4 preelection campaign statement, which was due to be filed by March 29, 2018. This statement would
5 have covered \$2,499 in contributions and no expenditures, per the Committee's bank records.

6 The Committee also failed to timely report certain financial activity for the reporting period of
7 March 25, 2018 to June 30, 2018. The missing financial activity relates to payments made by Nyman
8 and committee volunteers, Lisa Tanner ("Tanner") and Barbara Hauser ("Hauser"). Per bank records,
9 Nyman made a loan in the amount of \$999 to the Committee on March 14, 2018, when the Committee
10 opened its bank account. He was repaid \$669.30 by the Committee on April 12, 2018, at the
11 termination of the Committee. This resulted in a contribution in the amount of \$329.70 made by Nyman
12 to the Committee. The Committee failed to timely report the loan itself on any campaign statement. The
13 Committee further failed to timely report the loan repayment on the appropriate schedule (Schedule B)
14 and failed to report the resulting \$329.70 contribution from Nyman, on the Committee's campaign
15 statement for the reporting period of March 25, 2018 to June 30, 2018.

16 Information provided by Hauser and Tanner, along with the Committee's bank records, revealed
17 the following activity. Between March 17, 2018 and March 31, 2018, Hauser paid a total of \$3,833.02,
18 using personal funds, for two mailers for the Committee. At the time these payments were made by
19 Hauser, she expected reimbursement from the Committee. However, Hauser was ultimately only
20 reimbursed a portion of the subject expenditures. In particular, on March 26, 2018, the Committee paid
21 Tanner \$1,800, which was not timely reported on the Committee's campaign statement for the
22 reporting period of March 25, 2018 to June 30, 2018. Tanner subsequently, on March 30, 2018, paid
23 \$1,888.22 to Hauser, as reimbursement for Hauser's expenditures. This resulted in a contribution of
24 \$88.22 from Tanner and a nonmonetary contribution of \$1,944.80 from Hauser to the Committee.
25 Further, the Committee failed to timely report certain of Hauser's payments as subvendor payments,
26
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1 including a \$997.48 payment made to Costco and \$888.22 payment made to USPS, on the Committee's
2 campaign statement for the reporting period of March 25, 2018 to June 30, 2018.

3 The Committee also failed to timely file an amendment to its statement of organization. The
4 Committee qualified on March 19, 2018 and, therefore, was required to file an amendment to its
5 statement of organization adding the date it qualified within ten days of qualification. The Committee
6 did not file the required amendment until April 12, 2018 (24 days late).

7 **VIOLATIONS**

8 Count 1: Failure to Timely File Preelection Campaign Statement

9 The Committee and Nyman failed to timely file a preelection campaign statement for the
10 reporting period of February 25, 2018 to March 24, 2018, in violation of Sections 84200.5, subdivision
11 (a); and 84200.8, subdivision (b).

12 Count 2: Failure to Timely Report Financial Activity on Semiannual Campaign Statement

13 The Committee and Nyman failed to timely report \$329 in contributions, \$999 in loans, \$2,469
14 in expenditures, and \$1,885 in subvendor payments on the Committee's semiannual campaign
15 statement for the reporting period of March 25, 2018 to June 30, 2018, in violation of Section 84211,
16 subdivisions (a), (b), (c), (f), (g), (i), and (k); and 84303.

17 Count 3: Failure to Timely File Amendment to Statement of Organization

18 The Committee and Nyman failed to timely file an amendment to the Committee's statement of
19 organization after the Committee qualified, in violation of Section 84103, subdivision (a).

20 **EXCULPATORY OR MITIGATING INFORMATION**

21 Respondents were cooperative with the Enforcement Division in their investigation into the
22 potential violations in this case. Respondents do not have a prior history of violating the Act.

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1 **CONCLUSION**

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

5
6 Dated: August 3, 2020

7 Respectfully Submitted,

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

11 *Christopher Burton*

12 _____
13 By: Christopher Burton
14 Senior Commission Counsel
15 Enforcement Division
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Exhibit A-6

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 August 4, 2020, I served the following document(s):

1. Letter dated August 3, 2020, from Christopher B. Burton;
2. FPPC No. 18/206 Amended Report in Support of a Finding of Probable Cause;
3. Probable Cause Fact Sheet;
4. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings.

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

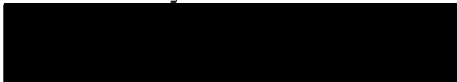
By United States Postal Service. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the addresses listed below and placed the envelope or package for collection and mailing by certified mail, return receipt requested, following my company's ordinary business practices.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

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


SERVICE LIST

Certified Mail, Return Receipt Requested

Committee to Oppose Measure E
James R. Nyman



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 4, 2020.



Kimberly Rawnsley

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:

Committee to Oppose Measure E
James R. Nyman



9590 9402 4740 8344 7640 36

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

-
- Agent
-
-
- 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

- | | |
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1102 Q Street, Ste. 3000
Sacramento, CA 95811

1-850-150

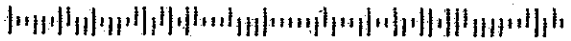


Exhibit A-7



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

August 3, 2020

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Committee to Oppose Measure E
James R. Nyman



In the Matter of Committee to Oppose Measure E, and James R. Nyman; FPPC No. 18/206

Dear Mr. Nyman:

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 campaign filing and reporting provisions of the Political Reform Act (the "Act"). The enclosed Amended Report in Support of a Finding of Probable Cause (the "Report") contains a summary of the alleged violations and the relevant law and evidence.

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

Please note that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. ***If you are interested in reaching a settlement in this matter, please contact me at (916) 322-5021 or cburton@fppc.ca.gov.***

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

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

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

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

Sincerely,

Christopher B. Burton

Christopher B. Burton
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 unique, and most respondents and their attorneys are unfamiliar with them. Therefore, we have prepared this summary to acquaint you with the process.

THE LAW

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

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

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

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

THE PROCEDURE

Probable Cause Report

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

Discovery

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

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

Response to Probable Cause Report

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

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

Staff Reply

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

Probable Cause Conference

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

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

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

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

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

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

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

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

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

Probable Cause Order and Accusation

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

Continuances

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

Settlements

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

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

CONCLUSION

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

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

CALIFORNIA GOVERNMENT CODE

Probable Cause Statutes

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

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

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

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

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

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

Probable Cause Regulations

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

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

§ 18361.4. Probable Cause Proceedings

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

§ 18362. Access to Enforcement Records

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

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

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

§ 18361.2. Memorandum Respecting Civil Litigation.

(a) If the Executive Director concludes civil litigation should be initiated, he or she shall submit to the Commission a written memorandum, which shall be first reviewed by the General Counsel, or an attorney from the Legal Division, summarizing the facts and the applicable law of the case and recommending the initiation of a lawsuit. The memorandum shall include all exculpatory and mitigating information known to the staff.

(b) The Commission shall review the memorandum at an executive session. The General

Counsel, or an attorney from the Legal Division, and the Commission Assistant shall be in attendance. No other member of the staff may be present unless the Commission meets with a member of the staff for that person to answer questions. The Commission may not resume its deliberations until the person is no longer present. Any communication between the Commission and the person during the executive session shall be recorded. After review of the memorandum, the Commission may direct the Executive Director to do any of the following:

- (1) Initiate civil litigation.
 - (2) Decide whether probable cause proceedings should be commenced pursuant to 2 Cal. Code of Regulations Section 18361.4.
 - (3) Return the matter to the staff for further investigation.
 - (4) Take no further action on the matter or take any other action it deems appropriate.
- (c) If the Commission decides to initiate civil litigation, the Commission may then permit other members of the staff to attend the executive session.
- (d) If the Executive Director deems it necessary, he or she may call a special meeting of the Commission to review a staff memorandum recommending the initiation of civil litigation.
- (e) It is the intent of the Commission in adopting this section to preserve for the members of the Commission the authority to decide whether alleged violations should be adjudicated in administrative hearings or in civil litigation, while at the same time avoiding the possibility that discussions with members of the staff might cause members of the Commission to prejudge a case that might be heard by the Commission under Government Code Section 83116.

Exhibit A-8

1 ANGELA J. BRERETON
Chief of Enforcement
2 CHRISTOPHER B. BURTON
Assistant Chief of Enforcement
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811

5 Telephone: (916) 322-5021
6 Email: cburton@fppc.ca.gov

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

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

10
11 In the Matter of) FPPC No. 18/206
12)
13 COMMITTEE TO OPPOSE MEASURE E,) EX PARTE REQUEST FOR A FINDING OF
14 AND JAMES R. NYMAN,) PROBABLE CAUSE AND AN ORDER THAT
15) AN ACCUSATION BE PREPARED AND
16 Respondents.) SERVED
17)
18) Gov. Code § 83115.5
19)
20)

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

22 Pursuant to Section 83115.5 of the Political Reform Act (the “Act”)¹ and Regulation 18361.4,
23 Respondents Committee to Oppose Measure E (the “Committee”) and James R. Nyman (“Nyman”)
24 (collectively, “Respondents”) were served with a copy of an amended² report in support of a finding of
25 probable cause (the “Amended Report”) in the above-entitled matter.³ The Amended Report, attached as
26 “Exhibit A,” was part of a packet of materials, including a cover letter and a memorandum describing
27 probable cause proceedings, which was sent to Respondents, by certified mail, with a return receipt
28

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

² The original report in support of a finding of probable cause was served on Respondents on January 30, 2020. However, the Amended Report supersedes the original version.

³ Gov. Code § 83115.5; Cal. Code Reg., tit. 2, § 18361.4.

1 requested, and received by Nyman, both as an individual and on behalf of the Committee, on August 8,
2 2020. A copy of the pertinent certified mail receipt is attached as “Exhibit B.”

3 In the cover letter dated August 3, 2020, and the attached materials, Respondents were advised
4 that they could respond in writing to the Amended Report and orally present the case to the Hearing
5 Officer at a probable cause conference to be held in Sacramento. Respondents were further advised that
6 in order to have a probable cause conference they needed to make a written request for one within 21
7 days of the date they received the Amended Report, or the date requested records were sent by the
8 Enforcement Division. Additionally, Respondents were advised that if they did not request a probable
9 cause conference, such a conference would not be held and probable cause would be determined based
10 solely on the Amended Report and any written response that was submitted within 21 days of the date
11 Respondents were served with the Amended Report, or the date requested records were sent by the
12 Enforcement Division. Although Respondents did not submit a written response to the Amended Report,
13 Nyman previously submitted a written response, dated January 31, 2020, to the original report in support
14 of a finding of probable cause.

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

18 Count 1: The Committee and Nyman failed to timely file a preelection campaign statement for the
19 reporting period of February 25, 2018 to March 24, 2018, in violation of Sections 84200.5,
subdivision (a); and 84200.8, subdivision (b).

20 Count 2: The Committee and Nyman failed to timely report \$329 in contributions, \$999 in loans, \$2,469
21 in expenditures, and \$1,885 in subvendor payments on the Committee’s semiannual campaign
22 statement for the reporting period of March 25, 2018 to June 30, 2018, in violation of Section
84211, subdivisions (a), (b), (c), (f), (g), (i), and (k); and 84303.

23 Count 3: The Committee and Nyman failed to timely file an amendment to the Committee’s statement
24 of organization after the Committee qualified, in violation of Section 84103, subdivision (a).
25
26
27

1 Additionally, after finding probable cause exists, the Enforcement Division requests an order by
2 the Hearing Officer that an accusation be prepared against the Committee and Nyman and served upon
3 them.⁴

4 A copy of this Request was mailed via U.S. Mail to the Committee and Nyman on January 26,
5 2021, at their last known address, as follows:

6 Committee to Oppose Measure E
7 James R. Nyman
8 

9 Dated: January 26, 2021

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION

Angela J. Brereton
Chief of Enforcement

Christopher B. Burton

By: Christopher B. Burton
Assistant Chief of Enforcement
Enforcement Division

⁴ Gov. Code § 11503.

Exhibit A

1 GALENA WEST
Chief of Enforcement
2 CHRISTOPHER BURTON
Senior Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 322-5021
5 Email: cburton@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. 18/206
12)
13) **AMENDED REPORT IN SUPPORT OF A**
COMMITTEE TO OPPOSE MEASURE) **FINDING OF PROBABLE CAUSE**
14 E, AND JAMES R. NYMAN,)
15) Conference Date: TBA
Respondents.) Conference Time: TBA
16) Conference Location: Commission Offices
1102 Q Street, Suite 3000
Sacramento, CA 95811
17)

18 **INTRODUCTION**

19 Committee to Oppose Measure E (the “Committee”) was a committee primarily formed to
20 oppose Palos Verdes Estates Measure E, which appeared on the ballot in the April 10, 2018 Special
21 Municipal Election. James R. Nyman (“Nyman”) served as the principal officer and treasurer of the
22 Committee.

23 Respondents committed numerous violations of the Political Reform Act (the “Act”),¹ including
24

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

1 a failure to timely file a preelection campaign statement, failure to timely report financial activity on a
2 semiannual campaign statement, and failure to timely file an amendment to the Committee’s statement
3 of organization.

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.² This includes enforcement through
12 administrative prosecution.³ However, before the Commission’s Enforcement Division may commence
13 administrative prosecution by filing/serving an Accusation, a hearing officer (either the General
14 Counsel of the Commission or another attorney in the Commission’s Legal Division) must determine
15 whether there is probable cause to believe that one or more violations of the Act occurred.⁴ Any finding
16 of probable cause is required by law to be announced publicly, which includes the posting of a
17 summary of the allegations on the Commission’s website.⁵ After a finding of probable cause, the
18 Commission may then hold a hearing to determine what violations have occurred—and levy an
19 administrative penalty of up to \$5,000 for each violation.⁶

20 ///

21 ///

22 ///

23 ///

24 ² Section 83111.

25 ³ Section 83116.

26 ⁴ Sections 83115.5 and 83116; Regulations 18361, subd. (b), and 18361.4.

27 ⁵ Regulation 18361.4, subd. (e).

28 ⁶ Section 83116; Regulation 18361.4, subd. (e).

1 Standard for Finding Probable Cause

2 For the hearing officer to make a finding of probable cause, it is only necessary that he or she be
3 presented with sufficient evidence to lead a person of ordinary caution and prudence to believe, or
4 entertain a strong suspicion, that a proposed respondent committed or caused a violation.⁷

5 Contents of the Probable Cause Report

6 The probable cause report is required to contain a summary of the law and evidence gathered in
7 connection with the investigation, including any exculpatory and mitigating information of which the
8 staff has knowledge and any other relevant material and arguments. The evidence recited in the
9 probable cause report may include hearsay.⁸

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

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

14 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in
15 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper
16 practices are inhibited.¹¹ Along these lines, the Act includes a comprehensive campaign reporting
17 system.¹² Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act
18 will be “vigorously enforced.”¹³

19 Mandatory Filing of Campaign Statements

20 At the core of the Act’s campaign reporting system is the requirement that committees file
21 campaign statements and reports for certain reporting periods and by certain deadlines.¹⁴

23 ⁷ Section 83115.5; Regulation 18361.4, subd. (e).

24 ⁸ Regulation 18361.4, subd. (a).

25 ⁹ Section 81001, subd. (h).

26 ¹⁰ Section 81003.

27 ¹¹ Section 81002, subd. (a).

28 ¹² Sections 84200, *et seq.*

¹³ Section 81002, subd. (f).

¹⁴ Sections 84200, *et seq.*

1 The Act requires that primarily formed committees file preelection campaign statements.¹⁵ In
2 particular, in connection with the April 10, 2018 Special Municipal Election, committees were required
3 to file a preelection campaign statement with the appropriate filing officer by the deadline of March 29,
4 2018 for the reporting period of February 25, 2018 to March 24, 2018.¹⁶

5 Disclosure of Contributions and Expenditures

6 A committee must disclose on campaign statements the total amount of all contributions
7 received and expenditures made. For contributions and expenditures of \$100 or more, the statements
8 must provide certain identifying information about the source of a contribution and the recipient of an
9 expenditure.¹⁷

10 Duty to Report Subvendor Payments

11 A subvendor is a person or company that is hired by a committee's agent or independent
12 contractor to provide a good or service for the committee. The Act requires committees to report
13 payments of \$500 or more made on its behalf by an agent or independent contractor the same way it
14 would if it were making the payment on its own.¹⁸ Disclosure of the expenditures made by an agent or
15 independent contractor are required to be made at the same time and in the same manner and detail as
16 required for the committee's direct expenditures.¹⁹ Specifically, the following information must be
17 provided: (1) the subvendor's full name; (2) his or her street address; (3) the amount of each
18 expenditure; and (4) a brief description of the consideration for which each expenditure was made.²⁰
19 This information reported by the candidate or committee is commonly referred to as "subvendor
20 information."

21 ///

22 ///

24 ¹⁵ Section 84200.5, subd. (a).

25 ¹⁶ Sections 84200.8, subd. (b); and 84215.

26 ¹⁷ Section 84211, subds. (a), (b), (c), (f), (i), and (k).

27 ¹⁸ Section 84303.

28 ¹⁹ Regulation 18431, subd. (c); Section 84211, subd. (k).

²⁰ Section 84211, subds. (k)(1)-(4) and (6).

1 Statement of Organization

2 Under the Act, a recipient committee must file a statement of organization within ten days after
3 it qualifies as a recipient committee.²¹ The committee must file the original of the statement of
4 organization with the Secretary of State (the “SOS”) and a copy with the local filing officer.²²
5 Whenever there is a change in any of the information contained in a statement of organization, an
6 amendment shall be filed within ten days to reflect the change.²³ The committee must file the original
7 of the amendment with the SOS and a copy with the local filing officer.²⁴

8 Joint and Several Liability of Committee, Principal Officer, and Treasurer

9 It is the duty of a committee treasurer to ensure that the committee complies with the campaign
10 reporting provisions of the Act.²⁵ It is the duty of the committee’s principal officer to authorize the
11 content of communications made by the committee, authorize expenditures made by the committee, and
12 determine the committee’s campaign strategy.²⁶ A treasurer and principal officer may be held jointly
13 and severally liable, along with the committee, for violations committed by the committee.²⁷

14 **SUMMARY OF THE EVIDENCE**

15 The Committee filed its initial statement of organization and, according to its bank records,
16 qualified as a recipient committee on March 19, 2018. Measure E sought a parcel tax on every eligible
17 parcel of property in the city of Palos Verdes Estates in order to fund the local police department. The
18 measure was successful, receiving approximately 69 percent of the vote.

19 In 2018, the Committee received contributions totaling \$4,861 and made expenditures totaling
20 \$2,469. The Committee terminated as of April 12, 2018.

21 Given its date of qualification, the Committee was required to file a preelection campaign
22 statement for the reporting period of February 25, 2018 to March 24, 2018, and a semiannual campaign

23 _____
24 ²¹ Section 84101, subd. (a).

25 ²² Section 84101, subd. (a); and 84215.

26 ²³ Section 84103, subd. (a).

27 ²⁴ Section 84103, subd. (a); and 84215.

28 ²⁵ Sections 81004, 84100, 84104, and 84213; Regulation 18427.

²⁶ Section 82047.6; Regulation 18402.1, subd. (b).

²⁷ Sections 83116.5 and 91006.

1 statement for the reporting period of March 25, 2018 to June 30, 2018. Instead, on May 28, 2018, after
2 the election, the Committee filed one campaign statement covering an unspecified reporting period, but
3 appearing to cover the entire life of the Committee. As a result, the Committee failed to timely file the
4 preelection campaign statement, which was due to be filed by March 29, 2018. This statement would
5 have covered \$2,499 in contributions and no expenditures, per the Committee's bank records.

6 The Committee also failed to timely report certain financial activity for the reporting period of
7 March 25, 2018 to June 30, 2018. The missing financial activity relates to payments made by Nyman
8 and committee volunteers, Lisa Tanner ("Tanner") and Barbara Hauser ("Hauser"). Per bank records,
9 Nyman made a loan in the amount of \$999 to the Committee on March 14, 2018, when the Committee
10 opened its bank account. He was repaid \$669.30 by the Committee on April 12, 2018, at the
11 termination of the Committee. This resulted in a contribution in the amount of \$329.70 made by Nyman
12 to the Committee. The Committee failed to timely report the loan itself on any campaign statement. The
13 Committee further failed to timely report the loan repayment on the appropriate schedule (Schedule B)
14 and failed to report the resulting \$329.70 contribution from Nyman, on the Committee's campaign
15 statement for the reporting period of March 25, 2018 to June 30, 2018.

16 Information provided by Hauser and Tanner, along with the Committee's bank records, revealed
17 the following activity. Between March 17, 2018 and March 31, 2018, Hauser paid a total of \$3,833.02,
18 using personal funds, for two mailers for the Committee. At the time these payments were made by
19 Hauser, she expected reimbursement from the Committee. However, Hauser was ultimately only
20 reimbursed a portion of the subject expenditures. In particular, on March 26, 2018, the Committee paid
21 Tanner \$1,800, which was not timely reported on the Committee's campaign statement for the
22 reporting period of March 25, 2018 to June 30, 2018. Tanner subsequently, on March 30, 2018, paid
23 \$1,888.22 to Hauser, as reimbursement for Hauser's expenditures. This resulted in a contribution of
24 \$88.22 from Tanner and a nonmonetary contribution of \$1,944.80 from Hauser to the Committee.
25 Further, the Committee failed to timely report certain of Hauser's payments as subvendor payments,
26
27

1 including a \$997.48 payment made to Costco and \$888.22 payment made to USPS, on the Committee's
2 campaign statement for the reporting period of March 25, 2018 to June 30, 2018.

3 The Committee also failed to timely file an amendment to its statement of organization. The
4 Committee qualified on March 19, 2018 and, therefore, was required to file an amendment to its
5 statement of organization adding the date it qualified within ten days of qualification. The Committee
6 did not file the required amendment until April 12, 2018 (24 days late).

7 **VIOLATIONS**

8 Count 1: Failure to Timely File Preelection Campaign Statement

9 The Committee and Nyman failed to timely file a preelection campaign statement for the
10 reporting period of February 25, 2018 to March 24, 2018, in violation of Sections 84200.5, subdivision
11 (a); and 84200.8, subdivision (b).

12 Count 2: Failure to Timely Report Financial Activity on Semiannual Campaign Statement

13 The Committee and Nyman failed to timely report \$329 in contributions, \$999 in loans, \$2,469
14 in expenditures, and \$1,885 in subvendor payments on the Committee's semiannual campaign
15 statement for the reporting period of March 25, 2018 to June 30, 2018, in violation of Section 84211,
16 subdivisions (a), (b), (c), (f), (g), (i), and (k); and 84303.

17 Count 3: Failure to Timely File Amendment to Statement of Organization

18 The Committee and Nyman failed to timely file an amendment to the Committee's statement of
19 organization after the Committee qualified, in violation of Section 84103, subdivision (a).

20 **EXCULPATORY OR MITIGATING INFORMATION**

21 Respondents were cooperative with the Enforcement Division in their investigation into the
22 potential violations in this case. Respondents do not have a prior history of violating the Act.

23 ///

24 ///

25 ///

26 ///

1 **CONCLUSION**

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

5
6 Dated: August 3, 2020

7 Respectfully Submitted,

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

11 *Christopher Burton*

12 _____
13 By: Christopher Burton
14 Senior Commission Counsel
15 Enforcement Division
16
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Exhibit B

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:

Committee to Oppose Measure E
James R. Nyman



9590 9402 4740 8344 7640 36

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

R. NYMAN

 Agent Addressee

B. Received by (Printed Name)

J. NYMAN

C. Date of Delivery

8/8/20

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

3. Service Type

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

Restricted Delivery

USPS TRACKING #



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

9590 9402 4740 8344 7640 36

United States
Postal Service

RECEIVED
FAIR POLITICAL
PRACTICES COMM. 95811

2020 SEP 18 AM 9:

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

FPFC Attn: Christopher Burton
1102 Q Street, Ste. 3000
Sacramento, CA 95811

1-850-150

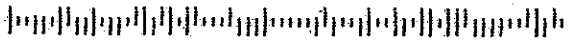


Exhibit A-9

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3
4 In the Matter of) FPPC No. 18/206
))
5 COMMITTEE TO OPPOSE MEASURE E,) FINDING OF PROBABLE CAUSE AND
6 AND JAMES R. NYMAN,) ORDER TO PREPARE AND SERVE AN
) ACCUSATION
7 Respondents.) Gov. Code § 83115.5
8)

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 (the “Ex Parte Request”), dated January 26, 2021, the Enforcement Division
11 submitted the above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set
12 forth in the Ex Parte Request, the Enforcement Division served an Amended Report in Support of a
13 Finding of Probable Cause (the “Amended PC Report”) concerning this matter on the Committee to
14 Oppose Measure E (the “Committee”) and James R. Nyman (“Nyman”) on August 8, 2020, by certified
15 mail, return receipt requested. Accompanying the Amended PC Report was a packet of materials that
16 informed Respondents of their right to file a written response to the Amended PC Report and to request a
17 probable cause conference within 21 days following service of the Amended PC Report, or transmittal of
18 any requested records by the Enforcement Division. Although Respondents did not submit a written
19 response to the Amended Report, Nyman previously submitted a written response, dated January 31, 2020,
20 to the original report in support of a finding of probable cause. Pursuant to California Code of Regulations
21 Title 2, Section 18361.4,¹ determination of probable cause may be made solely on papers submitted when
22 the respondent does not request a probable cause conference.

23 In making a probable cause determination, it is the duty of the Hearing Officer of the Fair Political
24 Practices Commission to determine whether probable cause exists to believe that a respondent violated
25

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

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

3 Probable cause to believe a violation has occurred can be found to exist when “the evidence
4 sufficiently supports a reasonable belief or strong suspicion that the Act has been violated.”²

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

7 Count 1: The Committee and Nyman failed to timely file a preelection campaign statement for the
8 reporting period of February 25, 2018 to March 24, 2018, in violation of Sections 84200.5,
subdivision (a); and 84200.8, subdivision (b).

9 Count 2: The Committee and Nyman failed to timely report \$329 in contributions, \$999 in loans, \$2,469
10 in expenditures, and \$1,885 in subvendor payments on the Committee’s semiannual campaign
11 statement for the reporting period of March 25, 2018 to June 30, 2018, in violation of Section
84211, subdivisions (a), (b), (c), (f), (g), (i), and (k); and 84303.

12 Count 3: The Committee and Nyman failed to timely file an amendment to the Committee’s statement
13 of organization after the Committee qualified, in violation of Section 84103, subdivision (a).

14 Based on the Ex Parte Request given to me, I find that notice has been given to the Committee and
15 Nyman.³ I further find, based on the Amended PC Report and the Ex Parte Request, and considering the
16 written response, dated January 31, 2020, submitted by Nyman, that there is probable cause to believe the
17 Committee and Nyman violated the Political Reform Act as alleged in Counts 1 through 3, as identified
18 above.

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

21 IT IS SO ORDERED.

22
23
24 Dated: January 29, 2021

John M. Feser Jr.

Hearing Officer
Fair Political Practices Commission

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

FPPC No. 18/206, In the matter of Committee to Oppose Measure E and James R. Nyman

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

Committee to Oppose Measure E
James R. Nyman



(By Personal Service) On Tuesday, February 2, 2021, at approximately 12:30 p.m., I personally served:

Christopher Burton, Assistant Chief of Enforcement, 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 February 2, 2021.

A handwritten signature in blue ink, appearing to read "Sasha Linker", written over a horizontal line.

Sasha Linker

Exhibit A-10

1 ANGELA J. BRERETON
Chief of Enforcement
2 CHRISTOPHER B. BURTON
Assistant Chief of Enforcement
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q St, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 322-5021
5 Email: cburton@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. 18/206
12)
13 COMMITTEE TO OPPOSE MEASURE E,) **ACCUSATION**
14 AND JAMES R. NYMAN,)
15 Respondents.) (Gov. Code §11503)
16)
17)

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

20 **JURISDICTION**

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

23 2. The authority to bring this action is derived from Title 2, California Code of Regulations,
24 Sections 18361 and 18361.4, subdivision (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 ///

3. When enacting the Political Reform Act (the “Act”),¹ California voters specifically found and declared that previous laws regulating political practices had suffered from inadequate enforcement, and it was their purpose to ensure that the Act be vigorously enforced.²

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

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

RESPONDENTS

6. Respondent Committee to Oppose Measure E (the “Committee”) was a committee primarily formed to oppose Palos Verdes Measure E, which appeared on the ballot in the April 10, 2018 Special Municipal Election.

7. Respondent James R. Nyman (“Nyman”) served as the principal officer and treasurer of the Committee.

APPLICABLE LAW

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

A. Committee

9. Under the Act, “committee” means any person or combination of persons who directly or indirectly receives contributions totaling \$2,000 or more in a calendar year.⁵ This type of committee is known as a recipient committee.

10. “Primarily formed committee” means any recipient committee which is formed or exists primarily to support or oppose a single candidate, a single measure, a group of specific candidates being

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

² Sections 81001, subd. (h), and 81002, subdivision (f).

³ Section 81002, subd. (a).

⁴ Section 81002, subd. (f).

⁵ Section 82013, subd. (a).

1 voted upon in the same city, county, or multicounty election, or two or more measures being voted upon
2 in the same city, county, multicounty, or state election.⁶

3 **B. Mandatory Filing of 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 and by certain deadlines.⁷

6 12. The Act requires that primarily formed committees file preelection campaign statements.⁸
7 In particular, in connection with the April 10, 2018 Special Municipal Election, committees were required
8 to file a preelection campaign statement with the appropriate filing officer by the deadline of March 29,
9 2018 for the reporting period of February 25, 2018 to March 24, 2018.⁹

10 **C. Disclosure of Contributions and Expenditures**

11 13. A committee must disclose on campaign statements the total amount of all contributions
12 received and expenditures made. For contributions and expenditures of \$100 or more, the statements must
13 provide certain identifying information about the source of a contribution and the recipient of an
14 expenditure.¹⁰

15 **D. Duty to Report Subvendor Payments**

16 14. A subvendor is a person or company that is hired by a committee's agent or independent
17 contractor to provide a good or service for the committee. The Act requires committees to report payments
18 of \$500 or more made on its behalf by an agent or independent contractor the same way it would if it were
19 making the payment on its own.¹¹

20 15. Disclosure of the expenditures made by an agent or independent contractor is required to
21 be made at the same time and in the same manner and detail as required for the committee's direct
22 expenditures.¹² Specifically, the following information must be provided: (1) the subvendor's full name;
23 (2) his or her street address; (3) the amount of each expenditure; and (4) a brief description of the
24

25 ⁶ Section 82047.5.

26 ⁷ Sections 84200, *et seq.*

27 ⁸ Section 84200.5, subd. (a).

28 ⁹ Sections 84200.8, subd. (b); and 84215.

¹⁰ Section 84211, subds. (a), (b), (c), (f), (i), and (k).

¹¹ Section 84303.

¹² Regulation 18431, subd. (c); Section 84211, subd. (k).

1 consideration for which each expenditure was made.¹³ This information reported by the candidate or
2 committee is commonly referred to as “subvendor information.”

3 **E. Statement of Organization**

4 16. Under the Act, a recipient committee must file a statement of organization within ten days
5 after it qualifies as a recipient committee.¹⁴ The committee must file the original of the statement of
6 organization with the Secretary of State (the “SOS”) and a copy with the local filing officer.¹⁵

7 17. Whenever there is a change in any of the information contained in a statement of
8 organization, an amendment shall be filed within ten days to reflect the change.¹⁶ The committee must file
9 the original of the amendment with the SOS and a copy with the local filing officer.¹⁷

10 **F. Factors to be Considered by the Fair Political Practices Commission**

11 18. In framing a proposed order following a finding of a violation pursuant to Government
12 Code Section 83116, the Commission and the administrative law judge shall consider all the surrounding
13 circumstances including but not limited to the following factors set forth in Regulation 18361.5
14 subdivision (e)(1) through (8): (1) The extent and gravity of the public harm caused by the specific
15 violation; (2) The level of experience of the violator with the requirements of the Political Reform Act;
16 (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence or absence of
17 any intention to conceal, deceive or mislead; (5) Whether the violation was deliberate, negligent or
18 inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission staff or any
19 other governmental agency in a manner not constituting complete defense under Government Code
20 Section 83114(b); (7) Whether the violation was isolated or part of a pattern and whether the violator has
21 a prior record of violations of the Political Reform Act or similar laws; and (8) Whether the violator, upon
22 learning of a reporting violation, voluntarily filed amendments to provide full disclosure.¹⁸

23 ///

24 ///

25 _____
26 ¹³ Section 84211, subs. (k)(1)-(4) and (6).

27 ¹⁴ Section 84101, subd. (a).

28 ¹⁵ Section 84101, subd. (a); and 84215.

¹⁶ Section 84103, subd. (a).

¹⁷ Section 84103, subd. (a); and 84215.

¹⁸ Regulation 18361.5, subd. (e).

GENERAL FACTS

1
2 19. The Committee filed its initial statement of organization and, according to its bank records,
3 qualified as a recipient committee on March 19, 2018.

4 20. Measure E sought a parcel tax on every eligible parcel of property in the city of Palos
5 Verdes Estates in order to fund the local police department. The measure was successful, receiving
6 approximately 69 percent of the vote in the April 10, 2018 Special Municipal Election.

7 21. In 2018, the Committee received contributions totaling \$4,861 and made expenditures
8 totaling \$2,469. The Committee terminated as of April 12, 2018.

9 22. Given the Committee’s date of qualification, the Committee and Nyman were required to
10 file a preelection campaign statement for the reporting period of February 25, 2018 to March 24, 2018,
11 and a semiannual campaign statement for the reporting period of March 25, 2018 to June 30, 2018.

12 23. Instead, on May 28, 2018, after the election, the Committee and Nyman filed one campaign
13 statement covering an unspecified reporting period, but appearing to cover the entire life of the Committee.
14 As a result, the Committee and Nyman failed to timely file the preelection campaign statement, which
15 was due to be filed by March 29, 2018. This statement would have covered \$2,499 in contributions and
16 no expenditures, per the Committee’s bank records.

17 24. The Committee and Nyman also failed to timely report certain financial activity for the
18 reporting period of March 25, 2018 to June 30, 2018. The missing financial activity relates to payments
19 made by Nyman and committee volunteers, Lisa Tanner (“Tanner”) and Barbara Hauser (“Hauser”).

20 25. Per bank records, Nyman made a loan in the amount of \$999 to the Committee on March
21 14, 2018, when the Committee opened its bank account. He was repaid \$669.30 by the Committee on
22 April 12, 2018, at the termination of the Committee. This resulted in a contribution in the amount of
23 \$329.70 made by Nyman to the Committee. The Committee and Nyman failed to timely report the loan
24 itself on any campaign statement. The Committee and Nyman further failed to timely report the loan
25 repayment on the appropriate schedule (Schedule B) and failed to report the resulting \$329.70 contribution
26 from Nyman, on the Committee’s campaign statement for the reporting period of March 25, 2018 to June
27 30, 2018.

28 ///

1 32. On January 31, 2020, Nyman submitted a written response to the PC Report but did not
2 request a probable cause conference.

3 33. Nyman was served with an Amended Report in Support of a Finding of Probable Cause
4 (the “Amended PC Report”), individually and on behalf of the Committee, via certified mail on or about
5 August 8, 2020. The information contained in the Amended PC Report packet advised the Committee and
6 Nyman that they had 21 days in which to request a probable cause conference, file a written response to
7 the PC Report, or both. During the 21 days that followed service of the Amended PC Report, the
8 Committee and Nyman did not file a response to the Amended PC Report or request a probable cause
9 conference.

10 34. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an
11 Accusation Be Prepared and Served (“Ex Parte Request”), dated January 26, 2021, the Enforcement
12 Division submitted the matter to the Hearing Officer for a determination of probable cause. The
13 Enforcement Division also mailed Respondents a copy of the Ex Parte Request on January 26, 2021.

14 35. On or about January 29, 2021, the Hearing Officer issued an order finding, based on the
15 Ex Parte Request and the Amended PC Report, that there was probable cause to believe the Committee
16 and Nyman violated the Act and directed the Enforcement Division to issue an Accusation against the
17 Committee and Nyman in accordance with the finding.

18 **VIOLATIONS**

19 36. The Committee and Nyman committed three violations of the Act as follows:

20 **Count 1**

21 **Failure to Timely File Preelection Campaign Statement**

22 37. Complainant incorporates paragraphs 1 – 36 of this Accusation, as though completely set
23 forth here.

24 38. The Committee and Nyman had a duty to timely file a preelection campaign statement for
25 the reporting period of February 25, 2018 through March 24, 2018 by the deadline of March 29, 2018.

26 39. The Committee and Nyman failed to timely file a preelection campaign statement for the
27 reporting period of February 25, 2018 through March 24, 2018.

28 ///

1 40. By failing to timely file a preelection campaign statement by the deadline of March 29,
2 2018, the Committee and Nyman violated Government Code Sections 84200.5, subdivision (a); and
3 84200.8, subdivision (b).

4 **Count 2**

5 **Failure to Timely Report Financial Activity on Semiannual Campaign Statement**

6 41. Complainant incorporates paragraphs 1 – 40 of this Accusation, as though completely set
7 forth here.

8 42. The Committee and Nyman had a duty to timely report \$329 in contributions, \$999 in
9 loans, \$2,469 in expenditures, and \$1,885 in subvendor payments on the Committee’s semiannual
10 campaign statement for the reporting period of March 25, 2018 to June 30, 2018 by the deadline of July
11 31, 2018.

12 43. The Committee and Nyman failed to timely report \$329 in contributions, \$999 in loans,
13 \$2,469 in expenditures, and \$1,885 in subvendor payments on the Committee’s semiannual campaign
14 statement for the reporting period of March 25, 2018 to June 30, 2018.

15 44. By failing to timely report \$329 in contributions, \$999 in loans, \$2,469 in expenditures,
16 and \$1,885 in subvendor payments on the Committee’s semiannual campaign statement by the deadline
17 of July 31, 2018, the Committee and Nyman violated Government Code Sections 84211, subdivisions (a),
18 (b), (c), (f), (g), (i), and (k); and 84303.

19 **Count 3**

20 **Failure to Timely File Amendment to Statement of Organization**

21 45. Complainant incorporates paragraphs 1 – 44 of this Accusation, as though completely set
22 forth here.

23 46. The Committee and Nyman had a duty to timely file an amendment to the Committee’s
24 statement of organization after the Committee qualified.

25 47. The Committee and Nyman failed to timely file an amendment to the Committee’s
26 statement of organization after the Committee qualified.

27 ///

28 ///

1 48. By failing to timely file an amendment to the Committee’s statement of organization after
2 the Committee qualified, the Committee and Nyman violated Government Code Section 84103,
3 subdivision (a).

4 **MITIGATING OR EXCULPATORY FACTORS**

5 49. Respondents were cooperative with the Enforcement Division in their investigation into
6 the potential violations in this case.

7 50. The Committee was open for a brief period of time, and its activity was limited.

8 51. The Enforcement Division did not discover any evidence indicating an intention to conceal
9 or deceive the public. Instead, the violations appear to have occurred due to negligence. In particular,
10 Respondents did not appear to understand the requirements for committee qualification.

11 52. Respondents do not have a prior history of violating the Act.

12 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

13 53. Nyman previously served as a member of the Palos Verdes Estates City Council, as well
14 as Mayor of Palos Verdes Estates; therefore, he should have been knowledgeable about the requirements
15 of the Act.

16 54. The Committee did not disclose any of its financial activity until after the pertinent election.

17 55. As of the date of this Accusation, Respondents have not filed corrective amendments to
18 the Committee’s campaign statements.

19 **PRAYER**

20 WHEREFORE, Complainant prays as follows:

21 1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and
22 Regulation 18361.5, and at such hearing find that the Committee and Nyman violated the
23 Act as alleged herein;


24 2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
25 order the Committee and Nyman to pay a monetary penalty of up to \$5,000 for the violation
26 of the Political Reform Act alleged in **Count 1**;

27 ///

28 ///

- 1 3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
2 order the Committee and Nyman to pay a monetary penalty of up to \$5,000 for the violation
3 of the Political Reform Act alleged in **Count 2**;
- 4 4. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
5 order the Committee and Nyman to pay a monetary penalty of up to \$5,000 for the violation
6 of the Political Reform Act alleged in **Count 3**;
- 7 5. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision
8 (e), consider the following factors in framing a proposed order following a finding of a
9 violation pursuant to Section 83116: (1) The extent and gravity of the public harm caused
10 by the specific violation; (2) The level of experience of the violator with the requirements
11 of the Political Reform Act; (3) Penalties previously imposed by the Commission in
12 comparable cases; (4) The presence or absence of any intention to conceal, deceive or
13 mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the
14 violator demonstrated good faith by consulting the Commission staff or any other
15 governmental agency in a manner not constituting complete defense under Government
16 Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern and
17 whether the violator has a prior record of violations of the Political Reform Act or similar
18 laws; and (8) Whether the violator, upon learning of a reporting violation, voluntarily filed
19 amendments to provide full disclosure.
- 20 6. That the Fair Political Practices Commission grant such other and further relief as it deems
21 just and proper.

22
23 Dated: 07/02/2021



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

Exhibit A-11

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 July 8, 2021, I served the following documents:

1. Statement to Respondent;
2. FPPC Case No. 18/206: Accusation;
3. Notice of Defense (Two copies per respondent);
4. Selected Sections of 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 12:35 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.**

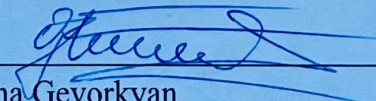
I am a resident or employed in the county where the mailing occurred. The documents were emailed in Sacramento County, California.

SERVICE LIST

Committee to Oppose Measure E
James R. Nyman



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 8, 2021.



Suzanna Gevorkyan

Exhibit A-12



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

Committee to Oppose Measure E, and James R. Nyman FPPC Case No. 18/206

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 Christopher B. Burton, Assistant Chief, Enforcement Division, at (916) 322-5021 or at cburton@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

State of California

In the Matter of) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
))
Committee to Oppose Measure E, and) FPPC Case No. 18/206
James R. Nyman,))
))
Respondents.))
))
))
))
))

Committee to Oppose Measure E, a respondent named in the above entitled proceeding, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

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

GROUND FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of)	NOTICE OF DEFENSE
)	(Pursuant to Gov. Code § 11506)
)	
Committee to Oppose Measure E, and)	FPPC Case No. 18/206
James R. Nyman,)	
)	
Respondents.)	
)	
)	
)	
)	

Committee to Oppose Measure E, a respondent named in the above entitled proceeding, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

GROUND FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
 Committee to Oppose Measure E, and) FPPC Case No. 18/206
 James R. Nyman,)
)
 Respondents.)
)
)
)
)
)

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

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

GROUND FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of)	NOTICE OF DEFENSE
)	(Pursuant to Gov. Code § 11506)
)	
Committee to Oppose Measure E, and)	FPPC Case No. 18/206
James R. Nyman,)	
)	
)	
Respondents.)	
)	
)	
)	
)	

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

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

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

GROUND FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip

California Government Code sections 11506 through 11508

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

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

§ 11507.3. Consolidated proceedings; Separate hearings

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

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

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

///

§ 11507.5. Exclusivity of discovery provisions

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

HISTORY: Added Stats 1968 ch 808 § 3.

§ 11507.6. Request for discovery

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

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

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

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

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

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

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

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

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

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

§ 11507.7. Motion to compel discovery; Order

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

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

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

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

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

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

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

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

§ 11508. Time and place of hearing

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

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

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

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

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

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

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

Exhibit A-13

Statement of Organization
Recipient Committee

Statement Type Initial Amendment Termination - See Part 5
 Not yet qualified or Date qualified as committee
 Date qualified as committee _____ Date of termination _____



1. Committee Information	2. Treasurer and Other Principal Officers
I.D. Number (if applicable) <u>FEIN [REDACTED]</u> NAME OF COMMITTEE Committee to Oppose Measure E STREET ADDRESS (NO P.O. BOX) [REDACTED] CITY STATE ZIP CODE AREA CODE/PHONE [REDACTED] MAILING ADDRESS (IF DIFFERENT) [REDACTED] E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL) [REDACTED] COUNTY OF DOMICILE Los Angeles JURISDICTION WHERE COMMITTEE IS ACTIVE City of Palos Verdes Estates	NAME OF TREASURER James R. Nyman STREET ADDRESS (NO P.O. BOX) [REDACTED] CITY STATE ZIP CODE AREA CODE/PHONE [REDACTED] NAME OF ASSISTANT TREASURER, IF ANY [REDACTED] STREET ADDRESS (NO P.O. BOX) [REDACTED] CITY STATE ZIP CODE AREA CODE/PHONE [REDACTED] NAME OF PRINCIPAL OFFICER(S) James R. Nyman STREET ADDRESS (NO P.O. BOX) [REDACTED] CITY STATE ZIP CODE AREA CODE/PHONE [REDACTED]

PLEASE PROVIDE STATE ID #

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 03/14/2018 By [REDACTED]
DATE SIGNATURE OF TREASURER OR ASSISTANT TREASURER

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

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

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

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA FORM 410

Page 2

COMMITTEE NAME

Committee to Oppose Measure E

I.D. NUMBER

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

NAME OF FINANCIAL INSTITUTION MALAGA BANK	AREA CODE/PHONE 360-375-9000	BANK ACCOUNT NUMBER [REDACTED]
ADDRESS 2514 VIA TEJON PUE CA 90274	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." Stating "No party preference" is acceptable.
- 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	CHECK ONE		PARTY (list political party below)
			Nonpartisan	Partisan	
JAMES R. NYMAN	—	2018	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	

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) IF A RECALL, STATE "RECALL" IN FRONT OF THE OFFICEHOLDER'S NAME	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	
		SUPPORT	OPPOSE
JAMES R. NYMAN	MEASURE E	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

4. Type of Committee (Continued)

General Purpose Committee

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

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

FORMER FORMED TO OPPOSE PVETAX MEASURE E

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

NONE (James Nyman)

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

Small Contributor Committee

3 / 14 / 18
Date Disbursed

5. Termination Requirements

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

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

Clear Page

Print

Rejected: JA 121 MAR 2018
Returned: 1

Statement of Organization Recipient Committee

Statement Type Initial Amendment Termination - See Part 5
 Not yet qualified or Date qualified as committee
_____/_____/_____
Date qualified as committee Date of termination

R
L 19
1404518

Date Stamp
RECEIVED [redacted]
in the office of the Secretary of State of the State of California
MAR 19 2018
CALIFORNIA FORM 410
For Official Use Only
RECEIVED AND FILED
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MAR 29 2018

1. Committee Information

I.D. Number (if applicable) [redacted]

2. Treasurer and Other Principal Officers

NAME OF COMMITTEE
Committee to Oppose Measure E
STREET ADDRESS (NO P.O. BOX)
[redacted]
CITY STATE ZIP CODE AREA CODE/PHONE
[redacted]
MAILING ADDRESS (IF DIFFERENT)
[redacted]
E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)
[redacted]
COUNTY OF DOMICILE Los Angeles JURISDICTION WHERE COMMITTEE IS ACTIVE City of Palos Verdes Estates

PLEASE PROVIDE STATE ID #

NAME OF TREASURER
James R. Nyman
STREET ADDRESS (NO P.O. BOX)
[redacted]
CITY STATE ZIP CODE AREA CODE/PHONE
[redacted]
NAME OF ASSISTANT TREASURER, IF ANY
[redacted]
STREET ADDRESS (NO P.O. BOX)
[redacted]
CITY STATE ZIP CODE AREA CODE/PHONE
[redacted]
NAME OF PRINCIPAL OFFICER(S)
James R. Nyman
STREET ADDRESS (NO P.O. BOX)
[redacted]
CITY STATE ZIP CODE AREA CODE/PHONE
[redacted]

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 03/14/2018 By [redacted signature]
Executed on _____ By _____
Executed on _____ By _____
Executed on _____ By _____

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

COMMITTEE NAME

Committee to Oppose Measure E

Page 2

I.D. NUMBER

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

NAME OF FINANCIAL INSTITUTION MALAGA BANK	AREA CODE/PHONE 300-375-9000	BANK ACCOUNT NUMBER [REDACTED]
ADDRESS 2514 VIA TEJON PUE CA 90274	CITY PUE	STATE CA ZIP CODE 90274

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." Stating "No party preference" is acceptable.
- 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	CHECK ONE		PARTY (list political party below)
JAMES R. NYMAN	—	2018	Nonpartisan <input checked="" type="checkbox"/>	Partisan <input type="checkbox"/>	
			Nonpartisan <input type="checkbox"/>	Partisan <input type="checkbox"/>	(list political party below)

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) IF A RECALL, STATE "RECALL" IN FRONT OF THE OFFICEHOLDER'S NAME.	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	
JAMES R. NYMAN CITY OF PALOS VERDES MEASURE "E"	MEASURE E CITY OF PALOS VERDES ESTATES CA	SUPPORT <input type="checkbox"/>	OPPOSE <input checked="" type="checkbox"/>
		SUPPORT <input type="checkbox"/>	OPPOSE <input type="checkbox"/>

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA
FORM 410

Page 3

I.D. NUMBER

COMMITTEE NAME

4. Type of Committee (Continued)

General Purpose Committee

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

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

FORMER FORMED TO OPPOSE PVETAX MEASURE E

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

NONE (JAMES NYMAN)

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

AREA CODE/PHONE

Small Contributor Committee

3 / 14 / 18
Date qualified

5. Termination Requirements

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

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

Clear Page

Print

Exhibit A-14

**Statement of Organization
Recipient Committee**

R19 1404518

Statement Type

Initial

Amendment

Termination - See Part

Not yet qualified

or

Date qualified as committee

04 / 01 / 2018
Date qualified as committee

____ / ____ / ____
Date of termination

Date Stamp
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of the State of California
APR 12 2018

CALIFORNIA FORM 410
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349260
419

I.D. Number
(if applicable) 1404518

NAME OF COMMITTEE
Committee to Oppose Measure E

STREET ADDRESS (NO P.O. BOX)
[REDACTED]

CITY STATE ZIP CODE AREA CODE/PHONE
[REDACTED]

MAILING ADDRESS (IF DIFFERENT)
[REDACTED]

E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)
[REDACTED]

COUNTY OF DOMICILE JURISDICTION WHERE COMMITTEE IS ACTIVE
Los Angeles City of Palos Verdes Estates, CA

NAME OF TREASURER
James Nyman

STREET ADDRESS (NO P.O. BOX)
[REDACTED]

CITY STATE ZIP CODE AREA CODE/PHONE
[REDACTED]

NAME OF ASSISTANT TREASURER, IF ANY
[REDACTED]

STREET ADDRESS (NO P.O. BOX)
[REDACTED]

CITY STATE ZIP CODE AREA CODE/PHONE
[REDACTED]

NAME OF PRINCIPAL OFFICER(S)
[REDACTED]

STREET ADDRESS (NO P.O. BOX)
[REDACTED]

CITY STATE ZIP CODE AREA CODE/PHONE
[REDACTED]

Attach additional information on appropriately labeled continuation sheets.

[REDACTED]

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 4-8-18 By [REDACTED]
DATE SIGNATURE OF TREASURER OR ASSISTANT TREASURER

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

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

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

Statement of Organization Recipient Committee

R19
L19

1404518

Statement Type Initial Amendment
 Not yet qualified or Date qualified as committee
Date qualified as committee _____

Termination - See Part 5
4, 12, 18
Date of termination

Date Stamp
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APR 19 2018
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R
349260
419

1. Committee Information
I.D. Number (if applicable) 1404518
NAME OF COMMITTEE
Committee to Oppose Measure E
STREET ADDRESS (NO P.O. BOX)
CITY STATE ZIP CODE AREA CODE/PHONE
MAILING ADDRESS (IF DIFFERENT)
E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)
COUNTY OF DOMICILE Los Angeles
JURISDICTION WHERE COMMITTEE IS ACTIVE City of Palos Verdes Estates

2. Treasurer and Other Principal Officers
NAME OF TREASURER
James R. Nyman
STREET ADDRESS (NO P.O. BOX)
CITY STATE ZIP CODE AREA CODE/PHONE
NAME OF ASSISTANT TREASURER, IF ANY
STREET ADDRESS (NO P.O. BOX)
CITY STATE ZIP CODE AREA CODE/PHONE
NAME OF PRINCIPAL OFFICER(S)
STREET ADDRESS (NO P.O. BOX)
CITY STATE ZIP CODE AREA CODE/PHONE

Attach additional information on appropriately labeled continuation sheets.

3. Verification
I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Executed on 4/12/2018 By _____
Executed on _____ By _____
Executed on _____ By _____
Executed on _____ By _____

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

Page 2

COMMITTEE NAME

I.D. NUMBER

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

NAME OF FINANCIAL INSTITUTION Malaga Bank	AREA CODE/PHONE 310/375-9000	BANK ACCOUNT NUMBER [REDACTED]
ADDRESS 2514 Via Tejon	CITY Palos Verdes Estates	STATE CA
		ZIP CODE 90274

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." Stating "No party preference" is acceptable.
- 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	CHECK ONE		PARTY (list political party below)
			Nonpartisan	Partisan	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	

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) IF A RECALL, STATE "RECALL" IN FRONT OF THE OFFICEHOLDER'S NAME.	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	
		SUPPORT	OPPOSE
Measure E	City of Palos Verdes Estates, CA Los Angeles County	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**Statement of Organization
Recipient Committee**

Statement Type Initial Amendment Termination – See Part 5
 Not yet qualified or Date qualified as committee _____/_____/_____
 _____/_____/_____ Date qualified as committee 04 / 12 / 2018
 _____/_____/_____ Date of termination

Date Stamp

CALIFORNIA FORM 410

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APR 24 2018

CITY CLERK
PALOS VERDES ESTATES

1. Committee Information	2. Treasurer and Other Principal Officers
---------------------------------	--

I.D. Number (if applicable) 1404518

NAME OF COMMITTEE
Committee to Oppose Measure E

STREET ADDRESS (NO P.O. BOX)
[REDACTED]

CITY STATE ZIP CODE AREA CODE/PHONE
[REDACTED]

MAILING ADDRESS (IF DIFFERENT)
[REDACTED]

E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)
[REDACTED]

COUNTY OF DOMICILE	JURISDICTION WHERE COMMITTEE IS ACTIVE
Los Angeles	City of Palos Verdes Estates

NAME OF TREASURER
James Nyman

STREET ADDRESS (NO P.O. BOX)
[REDACTED]

CITY STATE ZIP CODE AREA CODE/PHONE
[REDACTED]

NAME OF ASSISTANT TREASURER, IF ANY
[REDACTED]

STREET ADDRESS (NO P.O. BOX)
[REDACTED]

CITY STATE ZIP CODE AREA CODE/PHONE
[REDACTED]

NAME OF PRINCIPAL OFFICER(S)
[REDACTED]

STREET ADDRESS (NO P.O. BOX)
[REDACTED]

CITY STATE ZIP CODE AREA CODE/PHONE
[REDACTED]

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 4/23/18 By [REDACTED] SIGNATURE OF TREASURER OR ASSISTANT TREASURER

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

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

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

Statement of Organization
Recipient Committee

R19
L19

1404518

Statement Type

Initial

Amendment

Termination - See Part 5

Not yet qualified

or

Date qualified as committee

____/____/____
Date qualified as committee

04 / 11 / 2018
Date of termination

Date Stamp
RECEIVED AND FILED
In the office of the Secretary of State
of the State of California
APR 19 2018

CALIFORNIA FORM 410
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E

I.D. Number
(if applicable) 1404518

NAME OF COMMITTEE
Committee to Oppose Measure "E"

NAME OF TREASURER

James R. Nyman

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

NAME OF PRINCIPAL OFFICER(S)

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

MAILING ADDRESS (IF DIFFERENT)

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

COUNTY OF DOMICILE JURISDICTION WHERE COMMITTEE IS ACTIVE

Los Angeles

City of Palos Verdes Estates

Attach additional information on appropriately labeled continuation sheets.

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 4/11/2018 By _____
DATE SIGNATURE OF TREASURER OR ASSISTANT TREASURER

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

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

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

Exhibit A-15

**Recipient Committee
Campaign Statement
Cover Page**

LOCAL

COVER PAGE

<p>Date Stamp</p> <p>RECEIVED</p> <p>MAY 28 2018</p> <p>CITY CLERK PALOS VERDES ESTATES</p>	<p>CALIFORNIA FORM 460</p>
	<p>Page _____ of _____</p> <p>For Official Use Only</p> <p>1404518</p>

Statement covers period

from _____

through _____

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

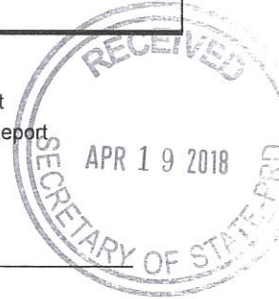
SEE INSTRUCTIONS ON REVERSE

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

- | | |
|---|---|
| <input type="checkbox"/> Officeholder, Candidate Controlled Committee | <input type="checkbox"/> Primarily Formed Ballot Measure Committee |
| <input type="radio"/> State Candidate Election Committee | <input type="radio"/> Controlled |
| <input type="radio"/> Recall
<i>(Also Complete Part 5)</i> | <input type="radio"/> Sponsored
<i>(Also Complete Part 6)</i> |
| <input type="checkbox"/> General Purpose Committee | <input type="checkbox"/> Primarily Formed Candidate/Officeholder Committee
<i>(Also Complete Part 7)</i> |
| <input type="radio"/> Sponsored | |
| <input checked="" type="radio"/> Small Contributor Committee | |
| <input type="radio"/> Political Party/Central Committee | |

2. Type of Statement:

- | | |
|--|--|
| <input type="checkbox"/> Preelection Statement | <input type="checkbox"/> Quarterly Statement |
| <input type="checkbox"/> Semi-annual Statement | <input type="checkbox"/> Special Odd-Year Report |
| <input checked="" type="checkbox"/> Termination Statement
<i>(Also file a Form 410 Termination)</i> | |
| <input type="checkbox"/> Amendment (Explain below) | |



3. Committee Information

I.D. NUMBER

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

Committee to Oppose Measure E

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

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

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

Treasurer(s)

NAME OF TREASURER

James R. Nyman

MAILING ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

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 4/12//2018
Date

By _____
Signature of Treasurer or Assistant Treasurer

Executed on _____
Date

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

Executed on _____
Date

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

Executed on _____
Date

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

**Campaign Disclosure Statement
Summary Page**

Amounts may be rounded
to whole dollars.

SUMMARY PAGE

Statement covers period from _____ through _____	CALIFORNIA FORM 460
	Page _____ of _____
I.D. NUMBER	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions..... <i>Schedule A, Line 3</i>	\$ 1500	\$ 1500
2. Loans Received..... <i>Schedule B, Line 3</i>	0	0
3. SUBTOTAL CASH CONTRIBUTIONS..... <i>Add Lines 1 + 2</i>	\$ 1500	\$ 1500
4. Nonmonetary Contributions..... <i>Schedule C, Line 3</i>	4245.87	4245.87
5. TOTAL CONTRIBUTIONS RECEIVED..... <i>Add Lines 3 + 4</i>	\$ 5745.87	\$ 5745.87

**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

	Column A	Column B
6. Payments Made..... <i>Schedule E, Line 4</i>	\$ 4245.87	\$ 2469.30
7. Loans Made..... <i>Schedule H, Line 3</i>	0	0
8. SUBTOTAL CASH PAYMENTS..... <i>Add Lines 6 + 7</i>	\$ 4245.87	\$ 2469.30
9. Accrued Expenses (Unpaid Bills)..... <i>Schedule F, Line 3</i>	0	0
10. Nonmonetary Adjustment..... <i>Schedule C, Line 3</i>	0	0
11. TOTAL EXPENDITURES MADE..... <i>Add Lines 8 + 9 + 10</i>	\$ 4245.87	\$ 2469.30

**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..... <i>Previous Summary Page, Line 16</i>	\$ 999
13. Cash Receipts..... <i>Column A, Line 3 above</i>	1500
14. Miscellaneous Increases to Cash..... <i>Schedule I, Line 4</i>	0
15. Cash Payments..... <i>Column A, Line 8 above</i>	2499
16. ENDING CASH BALANCE..... <i>Add Lines 12 + 13 + 14, then subtract Line 15</i>	\$ 0

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

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

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

17. LOAN GUARANTEES RECEIVED..... <i>Schedule B, Part 2</i>	\$ 0
---	------

Cash Equivalents and Outstanding Debts

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

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

Amounts may be rounded
to whole dollars.

SCHEDULE A (CONT.)

Statement covers period from _____ through _____	CALIFORNIA FORM 460
	Page _____ of _____
NAME OF FILER	I.D. NUMBER

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)
3/15/2018	Rene & Phyllis Scribe [REDACTED]	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Businessman	600	600	600
3/19/2018	Unknown (Cash) Address - Unknown	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Businessman	500	500	500
3/21/2018	Rose Ramsey [REDACTED]	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Businesswoman	400	400	400
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
SUBTOTAL \$				1500		

*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.

Statement covers period	CALIFORNIA FORM 460
from _____ through _____	
Page _____ of _____	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER _____

I.D. NUMBER _____

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
				<input type="checkbox"/> PAID	<input type="checkbox"/> FORGIVEN				
<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	_____% 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		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	_____% 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		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	_____% RATE	\$ _____	CALENDAR YEAR _____ PER ELECTION** _____ \$ _____

SUBTOTALS \$ 0 \$ 0 \$ 0 \$ 0

Schedule B Summary

(Enter (e) on
Schedule E, Line 3)

- Loans received this period \$ 0
(Total Column (b) plus unitemized loans of less than \$100.)
- Loans paid or forgiven this period \$ 0
(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 \$ 0
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 B – Part 2
Loan Guarantors**

Amounts may be rounded
to whole dollars.

SCHEDULE B - PART 2

Statement covers period from _____ through _____	CALIFORNIA FORM 460
Page _____ of _____	I.D. NUMBER _____

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER _____

FULL NAME, STREET ADDRESS AND ZIP CODE OF GUARANTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	LOAN	AMOUNT GUARANTEED THIS PERIOD	CUMULATIVE TO DATE	BALANCE OUTSTANDING TO DATE
	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		LENDER _____ DATE _____		CALENDAR YEAR _____ \$ _____ PER ELECTION (IF REQUIRED) \$ _____	
	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		LENDER _____ DATE _____		CALENDAR YEAR _____ \$ _____ PER ELECTION (IF REQUIRED) \$ _____	
	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		LENDER _____ DATE _____		CALENDAR YEAR _____ \$ _____ PER ELECTION (IF REQUIRED) \$ _____	
	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		LENDER _____ DATE _____		CALENDAR YEAR _____ \$ _____ PER ELECTION (IF REQUIRED) \$ _____	
SUBTOTAL				\$	0	Enter on Summary Page, Line 17 only.

Schedule C
Nonmonetary Contributions Received

Amounts may be rounded
to whole dollars.

SCHEDULE C

Statement covers period

CALIFORNIA
FORM **460**

from

through

Page _____ of _____

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER _____

I.D. NUMBER _____

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)	DESCRIPTION OF GOODS OR SERVICES	AMOUNT/ FAIR MARKET VALUE	CUMULATIVE TO DATE CALENDAR YEAR (JAN 1 - DEC 31)	PER ELECTION TO DATE (IF REQUIRED)
3/16,3/26	Barbara Hauser [REDACTED]	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Businesswoman	Mailer - 2	1961.78	1961.78	1961.78
3/22-3/31	MEP Corporation 23440 Hawthorne Blvd #205 Torrance, CA 90505	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Corporation (888.22 + 47.70x2)	Postage 3/22 3/23, 3/31	983.62	983.62	983.62
3/30/18	Glenn & Lisa Tanner [REDACTED]	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Businessman	Postage	888.22	888.22	888.22
3/28, 4/8	James Nyman [REDACTED]	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Businessman	Ad in Paper Sec State Fee (362.25 & \$50)	412.25	412.25	412.25
<i>Attach additional information on appropriately labeled continuation sheets.</i>					SUBTOTAL \$	4245.87	

Schedule C Summary

- Amount received this period – itemized nonmonetary contributions.
(Include all Schedule C subtotals.)\$ 4245.87
- Amount received this period – unitemized nonmonetary contributions of less than \$100\$ 0
- Total nonmonetary contributions received this period.
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Lines 4 and 10.) **TOTAL \$** 4245.87

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

Exhibit A-16



Malaga Bank FSB
 2514 Via Tejon
 Palos Verdes Estates, CA 90274

Account Number	Deposits	Statement Date	Checks	Page
[REDACTED]	4	March 31, 2018	0	1 of 2

COMMITTEE TO OPPOSE MEASURE E 2267
 [REDACTED]

GOING GREEN HAS NEVER BEEN EASIER!
 No more paper statements
 Help protect the environment
 Reduce the risk of mail fraud and Identity Theft
 Email alerts when statement is ready
SIGN UP FOR E-STATEMENTS TODAY!

Community Checking Summary							3/14/2018 - 3/31/2018	
Previous Balance	Deposits		Checks		Withdrawals		Ending Balance	
	No.	Amount	No.	Amount	No.	Amount		
0.00	4	2,499.00	0	0.00	2	-1,829.70	669.30	

Deposits and Other Credits to Community Checking		
Date	Description	Amount
03-14	CUSTOMER OPEN ACCOUNT	999.00
03-15	CUSTOMER DEPOSIT	600.00
03-19	CUSTOMER DEPOSIT	500.00
03-21	CUSTOMER DEPOSIT	400.00
		4 deposits for 2,499.00

Withdrawals and Other Debits to Community Checking		
Date	Description	Amount
03-26	CUSTOMER ACCOUNT CASHRS CHK	-1,800.00
03-27	DELUXE CHECK CHECK/ACC.	-29.70
		2 withdrawals for -1,829.70

Daily Balance Summary for Community Checking							
Date	Balance	Date	Balance	Date	Balance	Date	Balance
03-14	999.00	03-19	2,099.00	03-26	699.00	03-27	669.30
03-15	1,599.00	03-21	2,499.00				

Balances and Fees			
Low Balance (03-14-2018)	0.00	Average Balance	1,562.97
Interest Paid This Year:	0.00	Current Interest Rate:	0.00%
Interest Earned in 2017	0.00	Average Collected Balance:	1,562.97
Total Assessed This Cycle:		Total Assessed This Year:	
Total Returned Item Fees	0.00	Total Returned Item Fees	0.00
Total Overdraft Fees	0.00	Total Overdraft Fees	0.00
Service Charges	0.00	Service Charges	0.00

Statement Summary					
Account Number	Account Name	Beginning Balance	Deposits	Withdrawals	Ending Balance
[REDACTED]	Community Checking	0.00	2,499.00	-1,829.70	669.30



Malaga Bank FSB
 2514 Via Tejon
 Palos Verdes Estates, CA 90274

Account Number	Deposits	Statement Date	Checks	Page
██████████	4	March 31, 2018	0	2 of 2

COMMITTEE TO OPPOSE MEASURE E

Statement Summary (Continued)					
Account Number	Account Name	Beginning Balance	Deposits	Withdrawals	Ending Balance
	Totals	0.00	2,499.00	-1,829.70	669.30

Experience the Malaga Bank Difference Today!
 Financial strength, personalized service
 and community partnership.
 Come into your local branch or
 Visit our website at www.malagabank.com





Malaga Bank FSB
 2514 Via Tejon
 Palos Verdes Estates, CA 90274

Account Number	Deposits	Statement Date	Checks	Page
[REDACTED]	0	April 30, 2018	0	1 of 2

COMMITTEE TO OPPOSE MEASURE E 2790
 [REDACTED]

GOING GREEN HAS NEVER BEEN EASIER!
 No more paper statements
 Help protect the environment
 Reduce the risk of mail fraud and Identity Theft
 Email alerts when statement is ready
SIGN UP FOR E-STATEMENTS TODAY!

Community Checking Summary							4/1/2018 - 4/30/2018	
Previous Balance	Deposits		Checks		Withdrawals		Ending Balance	
	No.	Amount	No.	Amount	No.	Amount		
669.30	0	0.00	0	0.00	1	-669.30	0.00	

Deposits and Other Credits to Community Checking	
No deposit activity during period	

Withdrawals and Other Debits to Community Checking		
Date	Description	Amount
04-12	CUSTOMER CLOSE	-669.30
		1 withdrawal for -669.30

Daily Balance Summary for Community Checking							
Date	Balance	Date	Balance	Date	Balance	Date	Balance
04-01	669.30	04-12	0.00				

Balances and Fees			
Low Balance (04-12-2018)	0.00	Average Balance	669.30
Interest Paid This Year:	0.00	Current Interest Rate:	0.00%
Average Collected Balance:	669.30		
Total Assessed This Cycle:		Total Assessed This Year:	
Total Returned Item Fees	0.00	Total Returned Item Fees	0.00
Total Overdraft Fees	0.00	Total Overdraft Fees	0.00
Service Charges	0.00	Service Charges	0.00

Statement Summary					
Account Number	Account Name	Beginning Balance	Deposits	Withdrawals	Ending Balance
[REDACTED]	Community Checking	669.30	0.00	-669.30	0.00
	Totals	669.30	0.00	-669.30	0.00



Malaga Bank FSB
2514 Via Tejon
Palos Verdes Estates, CA 90274

Account Number	Deposits	Statement Date	Checks	Page
██████████	0	April 30, 2018	0	2 of 2

COMMITTEE TO OPPOSE MEASURE E

Experience the Malaga Bank Difference Today!
Financial strength, personalized service
and community partnership.
Come into your local branch or
Visit our website at www.malagabank.com





MALAGA BANK

ACCOUNT NAME

Measure E

DATE

3/14/18

ACCOUNT NUMBER

[REDACTED]

Deposits may not be available for immediate withdrawal.

DEPOSIT

Cash		
Coin		
Checks (from other side)	999	—
Malaga Bank Cks (from other side)		
Sub-Total		
Transfer to:		
Less cash		
TOTAL DEPOSIT	999	—

Checks deposited must be properly endorsed. Use other side for additional listing.

SIGN BELOW FOR CASH/CHECK BACK ONLY.
(Sign in presence of teller)

X

WITHDRAWAL

Cash		
Transfer to:		
Journal to:		
1) Check #		
2) Check #		
1) Payable to:		
2) Payable to:		
TOTAL WITHDRAWAL		

I/We hereby authorize this transaction and resulting interest adjustments, if any, to be charged against my above numbered account. None of the persons whose names appear on the account is deceased.

(Sign in presence of teller)

X

JIM NYMAN
ALICE K. NYMAN

[Redacted]

3/14/18

[Redacted]

Pay to the Order of Committee to Oppose Measure E ^{Date}
Nine Hundred Ninety Nine Dollars \$ 999⁰⁵

WELLS FARGO
Wells Fargo Bank, N.A.
California
wellsfargo.com

For _____ [Signature] MP
[Redacted]

© 2011 Wells Fargo Bank, N.A.

Security Features
Details on Back



ACCOUNT NAME

James Nyman

DATE

3/26/18

ACCOUNT NUMBER

[REDACTED]

Deposits may not be available for immediate withdrawal.

DEPOSIT

Cash		
Coin		
Checks (from other side)		
Malaga Bank Cks (from other side)		
Sub-Total		
Transfer to:		
Less cash		
TOTAL DEPOSIT		

Checks deposited must be properly endorsed. Use other side for additional listing.

SIGN BELOW FOR CASH/CHECK BACK ONLY.

(Sign in presence of teller)

X

WITHDRAWAL

Cash		
Transfer to:		
Journal to:		
1) Check # [REDACTED]		1800-
2) Check #		
1) Payable to: LISA TANNER		
2) Payable to:		
TOTAL WITHDRAWAL		1800

I/We hereby authorize this transaction and resulting interest adjustments, if any, to be charged against my above numbered account. None of the persons whose names appear on the account is deceased.

(Sign in presence of teller)

[Signature]



MALAGA BANK

ACCOUNT NAME

Committee to Oppose Measure E

Deposits may not be available for immediate withdrawal.

DEPOSIT

Cash		
Coin		
Checks (from other side)		
Malaga Bank Cks (from other side)		
Sub-Total		
Transfer to:		
Less cash		
TOTAL DEPOSIT		

Checks deposited must be properly endorsed. Use other side for additional listing.

SIGN BELOW FOR CASH/CHECK BACK ONLY.
(Sign in presence of teller)

X

DATE

4/12/08

ACCOUNT NUMBER

[Redacted]

WITHDRAWAL

Cash		
Transfer to:		
Journal to:		
1) Check #	[Redacted]	6069 30
2) Check #		
1) Payable to:	James Nymen	
2) Payable to:		
TOTAL WITHDRAWAL		6069 30

I/We hereby authorize this transaction and resulting interest adjustments, if any, to be charged against my above numbered account. None of the persons whose names appear on this account is deceased.

(Sign in presence of teller)

[Signatures]

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

103700 / M 13635-W



MALAGA
BANK

2514 Via Tejon
Palos Verdes Estates, CA 90274
Member FDIC

ISSUED BY: MONEYGRAM PAYMENT SYSTEMS, INC.
P.O. BOX 9478, MINNEAPOLIS, MN 55480
DRAWEE: FIRST INTERSTATE BANK
BILLINGS, MT

93-541
920



Date April 12, 2018

Pay *****Six hundred sixty nine and 30/100*****

*****\$669.30

To the order of ***JAMES NYMAN***

DRAWER: MALAGA BANK

NON-NEGOTIABLE

Authorized Signature

Exhibit A-17



8000 Haskell Ave, Van Nuys, CA 91406
 Toll Free: 855-898-9870
 Mon-Fri(24 hours) Sat-Sun(6am-5pm PT)

Invoice for Order # [REDACTED]

Barbara Hauser

ID [REDACTED]

Order Date: 03/16/2018

Email: [REDACTED] | Phone:

P.O.#:

Product Details	Delivery & Destination	Quantity	Price
ITEM #6571431 Product: EDDM® Postcards Paper : 14 pt. Cardstock Gloss Printed Side : Front and Back Turnaround : 3 Size : 6.5" x 11" Indicia : Use EDDM® Retail Indicia Shrink-Wrapping : Bundles of 100	For Pickup - TORRANCE Digital Room, Inc. 1431 W. Knox St. Suite B700 Torrance, CA 90501 Phone: 855-898-9870 Shipping & Handling: \$0.00	5300	\$ 926.99

Payment Information

DATATEL-CALEDON
 Payment Date: 03/16/2018

Subtotal	\$926.99
Discount	-\$46.35
Shipping & Handling	\$0.00
Sales Tax	\$83.66
Order Total	\$964.30
Paid	\$964.30
Balance Due	\$0.00



8000 Haskell Ave, Van Nuys, CA 91406
Toll Free: 855-898-9870
Mon-Fri(24 hours) Sat-Sun(6am-5pm PT)

Invoice for Order # [REDACTED]

Bill to: **Barbara Hauser**

Barbara Hauser

Order Date: 03/26/2018

[REDACTED] ID [REDACTED]

P.O.#:

Email: [REDACTED] | Phone:

Product Details	Delivery & Destination	Quantity	Price
ITEM #6618910 Product: EDDMÂ® Postcards Paper : 14 pt. Cardstock Gloss Printed Side : Front and Back Turnaround : 3 Size : 6.5" x 11" Shrink-Wrapping : Bundles of 100	For Pickup - TORRANCE Digital Room, Inc. 1431 W. Knox St. Suite B700 Torrance, CA 90501 Phone: 855-898-9870 Shipping & Handling: \$0.00	5300	\$ 926.99

Payment Information

Credit Card: [REDACTED]

Payment Date: 03/26/2018

Subtotal	\$926.99
Discount	-\$16.05
Shipping & Handling	\$0.00
Sales Tax	\$86.54
Order Total	\$997.48
Paid	\$997.48
Balance Due	\$0.00

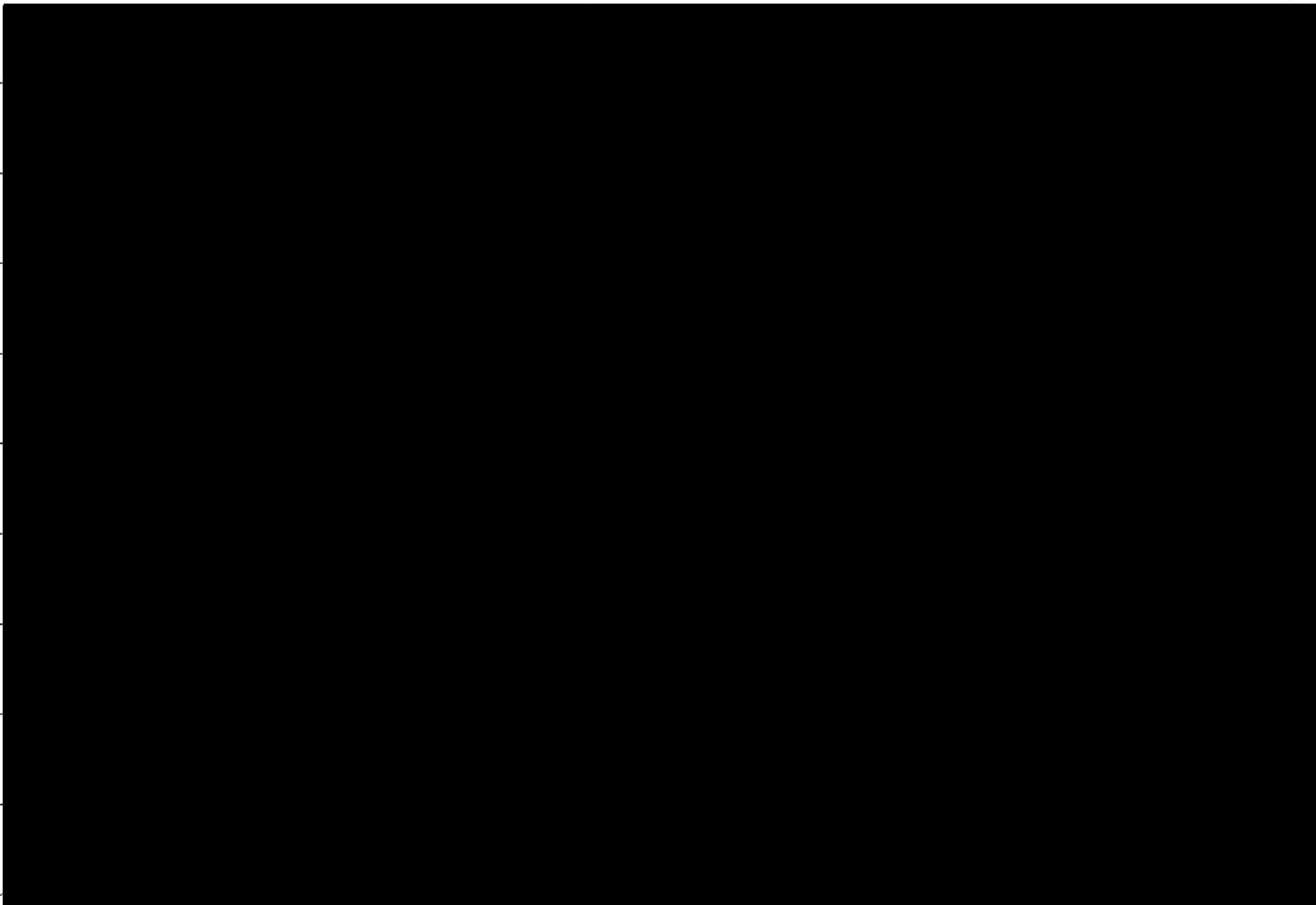


Costco Anywhere Visa® Business Card by [REDACTED]



Transactions - Statement Ending On Apr. 09, 2018

Date	Member Name	Description	Amount
Mar. 26, 2018	BARBARA V HAUSER	DRI*NEXTDAYFLYERS 855-898-9870 CA	\$ 997.48
Mar. 17, 2018	BARBARA V HAUSER	PRINTING SERVICES 888-8884211 CA	\$ 964.30



PALOS VERDES PENINSULA
955 DEEP VALLEY DR
PALOS VERDES PENINSULA
CA

90274-9998
0558200240

03/30/2018 (800)275-8777 9:20 AM

Product Description	Sale Qty	Final Price
---------------------	----------	-------------

Evry Door Direct		\$888.22
------------------	--	----------

(Trans Type:Online Paid at Retail)
(Name:Barbara Hauser)
(CRID/Acct No)
(Pieces:4990)
(Mail Piece Weight(Oz):0.40)
(Acceptance Date:2018-03-30)

Total \$888.22

Personal/Bus Check \$888.22

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

Go to:
<https://postalexperience.com/Pos>

or scan this code with
your mobile device:



or call 1-800-410-7420.

YOUR OPINION COUNTS

Bill #:
Clerk:

PALOS VERDES PENINSULA
955 DEEP VALLEY DR
PALOS VERDES PENINSULA
CA

90274-9998
0558200240

03/22/2018 (800)275-8777 9:29 AM

Product Description	Sale Qty	Final Price
---------------------	----------	-------------

Evry Door Direct		\$888.22
------------------	--	----------

(Trans Type:Online Paid at Retail)
(Name:Barbara Hauser)
(CRID/Acct No)
(Pieces:4990)
(Mail Piece Weight(Oz):0.40)
(Acceptance Date:2018-03-22)

Total \$888.22

Personal/Bus Check \$888.22

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

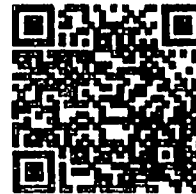
All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

Go to:
<https://postalexperience.com/Pos>

or scan this code with
your mobile device:



or call 1-800-410-7420.

YOUR OPINION COUNTS

Bill #:
Clerk:

PALOS VERDES PENINSULA
955 DEEP VALLEY DR
PALOS VERDES PENINSULA
CA

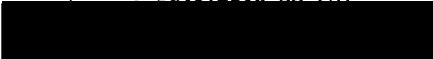
90274-9998
0558200240

03/23/2018 (800)275-8777 10:25 AM

Product Description	Sale Qty	Final Price
---------------------	----------	-------------

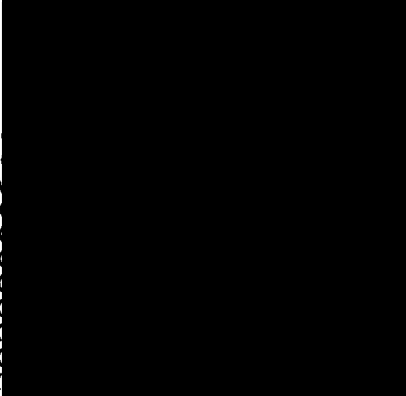
Evry Door Direct		\$47.70
------------------	--	---------

(Trans Type:Online Paid at Retail)
(Name:Barbara Hauser)
(CRID/Acct No)
(Pieces:268)
(Mail Piece Weight(Oz):0.40)
(Acceptance Date:2018-03-23)



Total \$47.70

Credit Card Remitd \$47.70



In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

Go to:

<https://postalexperience.com/Pos>



or scan this code with
your mobile device:



or call 1-800-410-7420.

YOUR OPINION COUNTS

PALOS VERDES PENINSULA
955 DEEP VALLEY DR
PALOS VERDES PENINSULA
CA

90274-9998
0558200240

03/31/2018 (800)275-8777 10:51 AM

Product Description	Sale Qty	Final Price
---------------------	----------	-------------

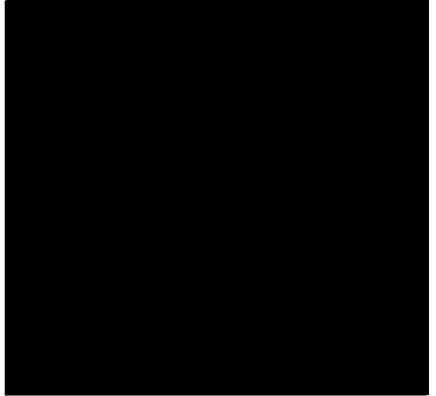
Evry Door Direct		\$47.70
------------------	--	---------

(Trans Type:Online Paid at Retail)
(Name:Barbara Hauser)
(CRID/Acct No)
(Pieces:268)
(Mail Piece Weight(Oz):0.40)
(Acceptance Date:2018-03-31)



Total \$47.70

Credit Card Remitd \$47.70



In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

HELP US SERVE YOU BETTER

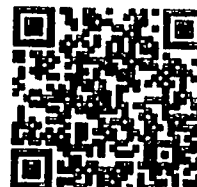
TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

Go to:

<https://postalexperience.com/Pos>



or scan this code with
your mobile device:



or call 1-800-410-7420.

Track your expenses...

- Clothing Food Transportation
 Credit Card Utilities Mortgage
 Entertainment Insurance Other: _____

TAX-DEDUCTIBLE ITEM

Babea Harey

BALANCE FORWARD	
THIS ITEM	1,000
BALANCE	
DEPOSIT	
OTHER	
BALANCE FORWARD	



For added security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

Track your expenses...

- Clothing Food Transportation
 Credit Card Utilities Mortgage
 Entertainment Insurance Other: _____

TAX-DEDUCTIBLE ITEM

Handwritten notes and scribbles

BALANCE FORWARD	
THIS ITEM	888.22
BALANCE	
DEPOSIT	
OTHER	
BALANCE FORWARD	



For added security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

Accounts > History

Deposit Details

Account Number: [REDACTED]

Check Number: [REDACTED]

GLENN R. TANNER
LISA TANNER
[REDACTED]

Date 2/30/2018

Pay to the Order of Burbank \$ 1,000-
one thousand & 00/100 Dollars Check
Cashier's
Check or Post

DO NOT WRITE BELOW SIGNATURE LINE

1511 Cleveland Ave
Torrance, CA 90501
(310) 618-9111

For [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Exhibit A-18



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

February 8, 2022

Committee to Oppose Measure E
James R. Nyman

NOTICE OF DEFAULT DECISION AND ORDER

Re: FPPC No. 18/206, In the Matter of Committee to Oppose Measure E and James R. Nyman

Dear Mr. Nyman:

On July 10, 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.**¹

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

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

You may still resolve this matter informally by way of a stipulated settlement if an agreement can be reached prior to this matter appearing for consideration by the Commission. Please contact me at (916) 322-5021 or cburton@fppc.ca.gov if you wish to enter into a settlement to resolve this matter in its entirety.

Sincerely,

Christopher B. Burton
Christopher B. Burton
Assistant Chief of Enforcement
Enforcement Division

¹ Government Code section 11505.

Exhibit A-19



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

April 1, 2022

Committee to Oppose Measure E
James R. Nyman



NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

**Re: FPPC No. 18/206
In the Matter of Committee to Oppose Measure E and James R. Nyman**

Dear Mr. Nyman:

On July 10, 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.**¹

The Fair Political Practices Commission (the “Commission”) will proceed with a default, decision and order (“default”) against you. The initial notice of this default appeared on the published agenda for the Commission’s public meeting on March 17, 2022. The Commission will be asked to adopt the default at its public meeting scheduled for April 20, 2022² and impose an administrative penalty of \$9,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on 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

¹ Government Code section 11505.

² Please note that this meeting was originally scheduled for April 21, 2022, but has been rescheduled to April 20, 2022.

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) 322-5021 or cburton@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,

Christopher B. Burton

Christopher B. Burton
Assistant Chief of Enforcement
Enforcement Division

Enclosures

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811. On April 5, 2022, I served the following document(s):

1. Letter re: Notice of Default Decision and Order and Administrative Fine, dated 4/1/2022, from Chris Burton, Assistant Chief of Enforcement, Enforcement Division;
2. Copy of the signed Default Decision and Order, FPPC No. 2018-00206.
3. Exhibit 1 in Support of a Default Decision and Order and Exhibits A-1 through A-19.

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

Committee to Oppose Measure E
James R. Nyman
2529 Via Olivera
Palos Verdes Estates

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on April 5, 2022.


Amber Rodriguez