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

10
11 In the Matter of) FPPC No. 2022-00191
12)
13 AUGUSTO CAUDILLO,) DEFAULT DECISION AND ORDER
14)
15 Respondent.) (Gov. Code Sections 11506 and 11520)

16
17 Complainant, the Enforcement Division of the Fair Political Practices Commission, hereby
18 submits this Default Decision and Order for consideration by the Fair Political Practices Commission at
19 its next regularly scheduled meeting.

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

- 23 1. An Order Finding Probable Cause;
24 2. An Accusation;
25 3. A Notice of Defense (Two Copies);
26 4. A Statement to Respondent; and

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

EXHIBIT 1

INTRODUCTION

Respondent Augusto Caudillo (“Caudillo”) assumed office as a Planning Commissioner of the City of Lompoc on January 20, 2021 when Caudillo was appointed to this position. Caudillo left office on April 13, 2023.

The Political Reform Act (the “Act”)¹ requires designated officials who make or influence governmental decisions to file Statements of Economic Interests (“SEI”). This matter arose out of a filing officer referral from the Fair Political Practices Commission’s (the “Commission”) SEI Unit for Caudillo’s failure to file an Assuming Office SEI, 2021 Annual SEI, 2022 Annual SEI, and Leaving Office SEI.

As a planning commissioner, Caudillo had a duty to timely file an Assuming Office SEI by the February 19, 2021 due date, a 2021 Annual SEI by the April 1, 2022 due date, a 2022 Annual SEI by the April 3, 2023 due date, and a Leaving Office SEI by the May 15, 2023 due date.

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 of a defense; or (6) object to the accusation on the ground that, under the circumstances,

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 18104 through 18998 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.

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-20, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Caudillo in this matter by serving Caudillo with a Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by certified mail.¹² Caudillo was sent the Report on November 2, 2023 by certified mail, with return receipt requested,

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.

and it was served upon Caudillo on November 9, 2023. (Certification, Exhibit A-2.) The administrative action commenced on November 9, 2023, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on Caudillo contained a cover letter and a memorandum describing probable cause proceedings, advising that Caudillo had 21 days in which to request a probable cause conference and/or to file a written response to the Report. (Certification, Exhibit A-3.) Caudillo did not request a probable cause conference or submit a written response to the Report.

B. Ex Parte Request for a Finding of Probable Cause

Because Caudillo failed to request a probable cause conference or submit a written response to the Report by the statutory deadline, the Enforcement Division submitted an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served to the Hearing Officer of the Commission on December 7, 2023. (Certification, Exhibit A-4.)

On December 13, 2023, the Hearing Officer issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Caudillo. (Certification, Exhibit A-5.)

C. The Issuance and Service of the Accusation

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

Section 11503 states:

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

¹³ Regulation 18361.4, subd. (e).

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

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

On March 26, 2024, the Commission's Chief of Enforcement, James M. Lindsay, issued an Accusation against Caudillo. (Certification, Exhibit A-6.) In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form for each respondent, copies of Government Code Sections 11506, 11507.5, 11507.6, and 11507.7, were served upon Caudillo by personal service on June 14, 2024. (Certification, Exhibit A-7.)

Along with the Accusation, the Enforcement Division served Caudillo with a "Statement to Respondent," which notified Caudillo that Caudillo 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, Caudillo would be deemed to have waived the right to a hearing. (Certification, Exhibit A-8.) Caudillo did not file a Notice of Defense within the statutory time period, which ended on July 8, 2024.

As a result, on July 23, 2024, the Enforcement Division sent a letter to Caudillo advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for September 19, 2024. (Certification, Exhibit A-19.)

On August 27, 2024, the Enforcement Division sent another letter to Caudillo advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for September 19, 2024. (Certification, Exhibit A-20.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

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¹⁴ Section 11505, subd. (a).

¹⁵ Section 11505, subd. (b).

¹⁶ Section 11505, subd. (c).

SUMMARY OF THE LAW

An express purpose of the Act is to ensure that the assets and income of public officials that may be materially affected by their official actions be disclosed to that conflict of interest be avoided.¹⁷ In furtherance of this purpose, the Act requires certain officials, including members of planning commissions, to disclose these interests.¹⁸

The Act requires specified public officials to file SEIs that disclose reportable investments, business positions, interests in real property, and sources of income every year by the deadline of April 1.¹⁹ The Act also requires specified public officials to file an SEI within thirty days of assuming office.²⁰ Furthermore, the Act requires specified public officials to file an SEI within thirty days of leaving office.²¹ If an official leaves office prior to the deadline for filing an annual SEI, the official may file a single SEI covering both periods.²² Planning commissioners are required to file the original with their agency, which makes and retains a copy, and forward the original to the Commission, which serves as the filing officer.²³

The Act requires public officials, including planning commissioners, to disclose all reportable interests in their investments, real property, and income received during the 12 months before assuming office, on their SEI, within 30 days of assuming office (“Assuming Office SEI”).²⁴ Similarly, planning commissioners must annually disclose all reportable interests in their investments, real property, and income on their SEI by April 1 of each year (“Annual SEI”).²⁵ When the due date for an SEI falls on a weekend or holiday, the filing deadline is extended to the next regular business day.²⁶ Additionally, planning commissioners must disclose on their SEI, all reportable interest in their investments, real property, and income within 30 days after leaving office (“Leaving Office SEI”).²⁷

SUMMARY OF THE EVIDENCE

Caudillo assumed office as a Planning Commissioner of the City of Lompoc on January 20, 2021 when Caudillo was appointed to this position. (Certification, Exhibit A-9.) Caudillo left office on April 13, 2023. (Certification, Exhibit A-10.) The City of Lompoc’s Conflict of Interest Code designated Planning Commissioners as a position required to file SEIs. (Certification, Exhibit A-11.)

¹⁷ Section 81002, subd. (c).

¹⁸ Section 87200.

¹⁹ Section 87203.

²⁰ Section 87202.

²¹ Section 87204

²² Regulation 18723, subd. (d).

²³ Section 87500, subd. (g).

²⁴ Sections 87200 and 87202.

²⁵ Sections 87200 and 87203; Regulation 18723, subd. (b)(2).

²⁶ Section 81005.

²⁷ Section 87200 and 87204.

As a designated official with the City of Lompoc, Caudillo was required to file an Assuming Office SEI. (Certification, Exhibit A-9.)

As a designated official with the City of Lompoc, Caudillo was required to file a 2021 Annual SEI due on April 1, 2022. (Certification, Exhibit A-12.)

As a designated official with the City of Lompoc, Caudillo was required to file a 2022 Annual SEI due on April 3, 2023. (Certification, Exhibit A-13.)

As a designated official with the City of Lompoc, Caudillo was required to file a Leaving Office SEI due on May 15, 2023. (Certification, Exhibit A-14.)

Before referring the case to the Enforcement Division, the filing officer from the Commission send at least seven letters to Caudillo between March 4, 2021 and March 24, 2023 to remind Caudillo of the duty to file the outstanding SEIs. (Certification, Exhibit A-12, and 14-15.)

To date, Caudillo has failed to file any of these SEIs. (Certification, Exhibit A-18.)

Summary of Contact

The Enforcement Division contacted Caudillo multiple times regarding this case, but no response was obtained from Caudillo. The contacts were as follows:

- On March 4, 2021, a first notice of failure to file the Assuming Office SEI was mailed to Caudillo informing Caudillo of the duty to file the Assuming Office SEI. Caudillo was given an opportunity to file that form by April 3, 2021 to avoid a monetary penalty allowed by the Act.
- On May 24, 2021, having obtained no response from, or compliance by Caudillo, the SEI Unit mailed a second notice of failure to file the Assuming Office SEI informing Caudillo of the first notice mentioned above, the failure to comply by the extended April 3, 2021 deadline, was asked to pay \$100 in late filing penalties, and to file the Assuming Office SEI.
- Having obtained no response from, or compliance by Caudillo, the SEI Unit referred the matter to the Enforcement Division. On February 10, 2022, the Enforcement Division mailed a letter notifying Caudillo that the Enforcement Division had commenced an investigation regarding potential violations of the economic interest disclosure provision of the Act.
- On June 30, 2022, a first notice of failure to file the 2021 Annual SEI was mailed to Caudillo by the SEI Unit informing Caudillo of the duty to file a 2021 Annual SEI by April 1, 2022, and was asked to provide an explanation for the late filing to receive a full or partial waiver of penalties allowed by the Act.
- On August 1, 2022, having obtained no response from, or compliance by Caudillo, the Enforcement Division mailed a letter informing Caudillo of the filing obligations.
- On August 4, 2022, having obtained no response from, or compliance by Caudillo, the SEI Unit mailed a second notice of failure to file the 2021 Annual SEI informing Caudillo

of the 2021 Annual SEI first notice, was asked to respond within 30 days or the matter would be referred to the Commission for further proceedings, and was advised that a \$5,000 maximum penalty could be assessed for each violation if compliance was not achieved.

- Records show that on September 15, 2022, Commission staff spoke to Caudillo. Caudillo agreed to contact the previously assigned attorney in the case “by Monday.” No contact appears to have been made, however.
- On September 28, 2022, still having obtained no response from, or compliance by Caudillo, the Enforcement Division again emailed Caudillo regarding the filing obligations.
- Caudillo was informed by the SEI Unit by mail that his 2022 Annual SEI was due on April 3, 2023.
- On March 3, 2023, Caudillo was contacted by the SEI Unit via mail, that Caudillo’s SEIs were still outstanding, and was asked to inform the Commission if Caudillo was no longer in office.
- On March 24, 2023, Caudillo was again reminded that the 2022 Annual SEI was due by April 3, 2023.

To date, Caudillo has not filed an Assuming Office SEI due on February 19, 2021, a 2021 Annual SEI due on April 1, 2022, a 2022 Annual SEI due on April 3, 2023, or a Leaving Office SEI due on May 15, 2023.

VIOLATIONS

Caudillo committed four violations of the Act as follows:

COUNT 1

Failure to Timely File an Assuming Office SEI

Caudillo had a duty to timely file an Assuming Office SEI by February 19, 2021 to disclose all reportable interests in investments, real property, and income received during the 12 months before assuming office, within 30 days of assuming office. By failing to timely file an Assuming Office SEI by February 19, 2021, Caudillo violated Government Code section 87202.

COUNT 2

Failure to Timely File a 2021 Annual SEI

Caudillo had a duty to timely file a 2021 Annual SEI by April 1, 2022 to annually disclose all reportable interests in investments, real property, and income. By failing to timely file an Annual SEI by April 1, 2021, Caudillo violated Government Code section 87203.

COUNT 3

Failure to Timely File a 2022 Annual SEI

Caudillo had a duty to timely file a 2022 Annual SEI by April 3, 2023 to annually disclose all reportable interests in investments, real property, and income. By failing to timely file an Annual SEI by April 3, 2023 Caudillo violated Government Code section 87203

COUNT 4

Failure to Timely File a Leaving Office SEI

Caudillo had a duty to timely file a Leaving Office SEI by May 15, 2023 to disclose all reportable interests in investments, real property, and income within 30 days after leaving office. By failing to timely file a Leaving Office SEI by May 15, 2023, Caudillo violated Government Code section 87204.

CONCLUSION

This matter consists of four counts of violating the Act. The maximum penalty that may be imposed is \$5,000 per count. Thus, the maximum penalty that may be imposed for the counts included here is \$20,000.²⁸

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors set forth in Regulation 18361.5 subdivision (e)(1) through (8): (1) The extent and gravity of the public harm caused by the specific violation; (2) The level of experience of the violator with the requirements of the Political Reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence or absence of any intention to conceal, deceive or mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and (8) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.²⁹

²⁸ Section 83116, subd. (c).

²⁹ Regulation 18361.5, subd. (e).

In this matter, Caudillo failed to timely file an Assuming Office SEI due by February 19, 2021, a 2021 Annual SEI due by April 1, 2022, a 2022 Annual SEI due by April 3, 2023, and a Leaving Office SEI due by May 15, 2023.

Here, the extent and gravity of the public harm caused by Caudillo's violations is more than minimal, but the FPPC cannot be certain because Caudillo did not file any of the missing SEIs which covered the entire term of office. Failure to file an assuming office, two annual SEIs, and a leaving office SEI deprives the public of important information about a public official's economic interests which could lead to potential conflicts of interests regarding decisions they make in their official capacity. If Caudillo would have filed the missing SEIs, the Enforcement Division believes that the violations would likely have qualified for the Streamline Program.

Caudillo has failed to file the missing SEIs or consult with the Commission staff, despite repeated outreach attempts. Based on the repeated contact attempts, Caudillo should have been aware of the duties under the Act to timely file the SEIs and disclose all reportable economic interests on each of their SEIs. It is unknown whether Caudillo intended to conceal, deceive, or mislead the Commission and the public by failing to file the missing SEIs. Furthermore, the violations are at least negligent as Caudillo disregarded the numerous outreach attempts.

Caudillo's violations deprived the public of important and timely information regarding Caudillo's economic interests, especially because Caudillo has not filed a single SEI to date, showing a pattern. Caudillo does not have a prior record of violations. The Enforcement Division also takes into consideration previous cases that were approved by the Commission in determining penalties. In this matter, the following case were used as a guideline:

- *In the Matter of Jennifer Allsup*, FPPC No. 16/20047. (Commission approved a default decision on October 15, 2020.) The Respondent, a Commissioner for the Modesto Entertainment Commission failed to file their 2014 Annual, 2015 Annual, and Leaving Office SEIs despite 19 contact attempts. There was no prior history of noncompliance, and the Respondent was out of office at the time of the default. The commission imposed a penalty of \$4,000 per count, \$12,000 in total for these violations.

The *Allsup* case is similar to the present matter as Caudillo should have been aware of the obligation to file SEIs but has failed to file despite multiple requests for compliance from both the filing officer and the Enforcement Division. Furthermore, Caudillo is no longer in office and does not have a prior history of noncompliance. Therefore, a default penalty amount less than the maximum penalty amount is recommended.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$4,000 per count, for a total of \$16,000, is recommended.



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

CERTIFICATION OF RECORDS

The undersigned declares and certifies as follows:

1. I am employed as an Associate Governmental Program Analyst by the California Fair Political Practices Commission (“Commission”). My business address is: California Fair Political Practices Commission, 1102 Q St, Ste 3050, 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. 2022-00191; In the Matter of Augusto Caudillo*, 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 November 1, 2023

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated November 2, 2023, and accompanying certified mail receipts and USPS tracking

EXHIBIT A-3: Cover letter to the Respondents regarding the Report in Support of a Finding of Probable Cause, dated November 1, 2023, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated December 7, 2023

EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated December 13, 2023

EXHIBIT A-6: Accusation, dated March 26, 2024

- EXHIBIT A-7: Proof of Service on June 14, 2024, for Accusation and accompanying documents from process server, dated June 14, 2024
- EXHIBIT A-8: Statement to Respondents, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated March 28, 2024
- EXHIBIT A-9: Letter to Caudillo from the Commission, Subject: Statement of Economic Interest- Assuming Office, dated March 4, 2021
- EXHIBIT A-10: Email thread between Commission counsel and Commission Staff Services Analyst, dated October 19, 2023 at 2:09 PM
- EXHIBIT A-11: City of Lompoc Conflict of Interest Code.
- EXHIBIT A-12: Letter to Caudillo from the Commission, Subject: Statement of Economic Interest- Notice of Non-Filing FIRST NON-FILER NOTIFICATION- 2021 Annual, dated June 20, 2022.
- EXHIBIT A-13: Letter to Caudillo from the Commission advising it's time to file the 2022 Annual Statement of Economic Interest, due by April 3, 2023.
- EXHIBIT A-14: Letter to Caudillo from the Commission, titled: STATEMENT OF ECONOMIC INTEREST- FORM 700 FILERS, dated March 3, 2023.
- EXHIBIT A-15: Letter to Caudillo from the Commission, Subject: Statement of Economic Interest- Statement Not Filed Within 30 Days of First Notice SECOND NON-FILER NOTIFICATION- 2021 Assuming, dated May 24, 2021.
- EXHIBIT A-16: Letter to Caudillo from the Commission, Subject: Statement of Economic Interest- Statement Not Filed Within 30 Days of First Notice SECOND NON-FILER NOTIFICATION- 2021 Annual, dated August 4, 2022.
- EXHIBIT A-17: Letter to Caudillo from the Commission, titled: STATEMENT OF ECONOMIC INTEREST- FORM 700 FILERS, dated March 24, 2023.
- EXHIBIT A-18: Email thread between Commission counsel and Commission Staff Services Analyst, dated October 19, 2023
- EXHIBIT A-19: Notice of Default Decision and Order, dated July 23, 2024.
- EXHIBIT A-20: Notice of Intent to Enter Default Decision and Order, dated August 27, 2024.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 26, 2024, at Sacramento, California.

Shaina Elkin

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

Exhibit A-1

1 JAMES M. LINDSAY
Chief of Enforcement
2 CINTHYA BERNABE
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8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
9 **STATE OF CALIFORNIA**
10

11 In the Matter of

12
13 AUGUSTO CAUDILLO,

14
15 Respondent.
16

) FPPC No. 2022-00191

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

) Conference Date: TBA

) Conference Time: TBA

) Conference Location: Commission Offices
1102 Q Street, Suite 3050
Sacramento, CA 95811

17 **INTRODUCTION**
18

19 Respondent Augusto Caudillo (“Caudillo”) assumed office as a Planning Commissioner of the
20 City of Lompoc on January 20, 2021 when Caudillo was appointed to this position. Caudillo left office
21 on April 13, 2023. As a city planning commissioner, Caudillo is subject to the Political Reform Act (the
22 “Act”).¹ The Act requires planning commissioners to periodically file a Statement of Economic Interests
23 (“SEI”) disclosing all relevant economic interests. To date, Caudillo has not filed an Assuming Office
24

25 _____
26 ¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references
27 are to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18104 through 18998 of Title
28 2 of the California Code of Regulations, and all regulatory references are to this source.

1 SEI, a 2021 Annual SEI due on April 1, 2022 or a 2022 Annual SEI due on April 3, 2023, or a Leaving
2 Office SEI.

3 **SUMMARY OF THE LAW**

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

8 Jurisdiction

9 The Fair Political Practices Commission (the “Commission”) has primary responsibility for the
10 impartial, effective administration and implementation of the Act.² This includes enforcement through
11 administrative prosecution.³

12 Probable Cause Proceedings

13 Before the Commission’s Enforcement Division may commence administrative prosecution by
14 filing/serving an Accusation, a hearing officer (either the General Counsel of the Commission or
15 another attorney in the Commission’s Legal Division) must determine whether there is probable cause
16 that supports a reasonable belief or strong suspicion that one or more violations of the Act occurred.⁴
17 Any finding of probable cause is required by law to be announced publicly, which includes the posting
18 of a 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 Standard for Finding Probable Cause

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23
24
25 ² Section 83111.

26 ³ Section 83116.

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

28 ⁵ Regulation 18361.4, subd. (g).

⁶ Section 83116; Regulation 18361.4, subd. (g).

1 For the hearing officer to make a finding of probable cause, it is only necessary that he or she be
2 presented with evidence that sufficiently supports a reasonable belief or strong suspicion that the Act
3 was violated.⁷ Probable cause may only be found if the Respondents were notified of the violations at
4 least 21 days prior to the hearing officer’s consideration of the alleged violations.⁸

5 Contents of the Probable Cause Report

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

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 regulating
12 political practices suffered from inadequate enforcement by state and local authorities.¹⁰ For this reason,
13 the Act is to be construed liberally to accomplish its purposes.¹¹

14 One purpose of the Act is to promote transparency by ensuring that assets and income of public
15 officials which may be materially affected by their official actions be disclosed so that conflicts of interest
16 may be avoided.¹² Another purpose of the Act is to provide adequate enforcement mechanisms so that
17 the Act will be “vigorously enforced”.¹³

18 Disclosure of Economic Interests

19 The Act requires public officials, including planning commissioners, to disclose all reportable
20 interests in their investments, real property, and income received during the 12 months before assuming
21 office, on their SEI, within 30 days of assuming office (“Assuming Office SEI”).¹⁴ Similarly, planning
22

23 ⁷ Regulation 18361.4, subd. (a).

24 ⁸ Section 83115.5.

25 ⁹ Regulation 18361.4, subd. (b).

26 ¹⁰ Section 81001, subd. (h).

27 ¹¹ Section 81003.

28 ¹² Section 81002, subd. (c).

¹³ Section 81002, subd. (f).

¹⁴ Sections 87200 and 87202.

1 commissioners must annually disclose all reportable interests in their investments, real property, and
2 income on their SEI by April 1 of each year (“Annual SEI”).¹⁵ When April 1 falls on a weekend or
3 holiday, the filing deadline is extended to the next regular business day.¹⁶ Additionally, planning
4 commissioners must annually disclose on their SEI, all reportable interest in their investments, real
5 property, and income within 30 days after leaving office (“Leaving Office SEI”).¹⁷ Failure to comply
6 with the disclosure requirements is a violation of the Act.¹⁸

7 **SUMMARY OF THE EVIDENCE**

8 Caudillo served as Planning Commissioner to the City of Lompoc from January 20, 2021 to April
9 13, 2023. As such, an Assuming Office SEI was due by February 19, 2021, a 2021 Annual SEI was due
10 on April 1, 2022, a 2022 Annual SEI was due on April 3, 2023, and a Leaving Office SEI was due on
11 May 15, 2023. To date, Caudillo has filed no SEIs. The following is the timeline of events for this case:

12 Records retained by the Commission’s SEI Unit (“SEI Unit”) show that on March 4, 2021, a first
13 notice of failure to file the Assuming Office SEI was mailed to Caudillo. In this notice, Caudillo was
14 informed of the duty to file the Assuming Office SEI, and was given an opportunity to file that form by
15 April 3, 2021 to avoid a monetary penalty allowed by the Act.

16 On May 24, 2021, having obtained no response from, or compliance by Caudillo, the SEI Unit
17 mailed a second notice of failure to file the Assuming Office SEI. In this notice, Caudillo was informed
18 of the first notice mentioned above, the failure to comply by the extended April 3, 2021 deadline, and
19 was asked to pay \$100 in late filing penalties and file the Assuming Office SEI.

20 Having obtained no response from, or compliance by Caudillo, the SEI Unit referred the matter
21 to the Enforcement Division. On February 10, 2022, the Enforcement Division mailed a letter notifying
22 Caudillo that the Enforcement Division had commenced an investigation regarding potential violations
23 of the economic interest disclosure provision of the Act.

24
25 ¹⁵ Sections 87200 and 87203; Regulation 18723, subd. (b)(2).

26 ¹⁶ Regulation 18116, subd. (a).

27 ¹⁷ Section 87200 and 87204.

28 ¹⁸ Section 87200.

1 On June 30, 2022, a first notice of failure to file the 2021 Annual SEI was mailed to Caudillo by
2 the SEI Unit. In this notice, Caudillo was informed of the duty to file a 2021 Annual SEI by April 1,
3 2022, and was asked to provide an explanation for the late filing to receive a full or partial waiver of
4 penalties allowed by the Act.

5 On August 1, 2022, having obtained no response from, or compliance by Caudillo, the
6 Enforcement Division mailed a letter informing Caudillo of the Political Reform Education Program
7 (“PREP”) to address the Act violations. In this letter, the Enforcement Division described the program,
8 outlined the program’s requirements and benefits, and urged Caudillo to sign and return the enclosed
9 PREP agreement by no later than August 22, 2022.

10 On August 4, 2022, having obtained no response from, or compliance by Caudillo, the SEI Unit
11 mailed a second notice of failure to file the 2021 Annual SEI. In this notice, Caudillo was informed of
12 the 2021 Annual SEI first notice, was asked to respond within 30 days or the matter would be referred to
13 the Commission for further proceedings, and was advised that a \$5,000 maximum penalty could be
14 assessed for each violation if compliance was not achieved.

15 Records show that on September 15, 2022, a PREP staff member spoke to Caudillo to inform him
16 of PREP. Caudillo agreed to contact the previously assigned attorney in the case “by Monday.” No
17 contact appears to have been made, however.

18 On September 28, 2022, still having obtained no response from, or compliance by Caudillo, the
19 Enforcement Division sent him an email rescinding the PREP offer. The letter informed Caudillo of the
20 failure to file both SEIs, and that the case was referred to the Enforcement Division for further
21 proceedings,

22 On December 19, 2022, having obtained no response from, or compliance by Caudillo for either
23 SEI, the Enforcement Division mailed Caudillo a letter again requesting Caudillo file both outstanding
24 SEIs.

25 Records show that Caudillo was informed by the SEI Unit by mail that his 2022 Annual SEI was
26 due on April 3, 2023.

1 Records show that on March 3, 2023, Caudillo was contacted by the SEI Unit via mail, that
2 Caudillo's SEIs were still outstanding, and was asked to inform the FPPC if Caudillo was no longer in
3 office.

4 Records show that on March 24, 2023, Caudillo was again reminded that the 2022 Annual SEI
5 was due by April 3, 2023.

6 To date, Caudillo has not filed any SEI or paid any penalties allowed by the Act.

7 **VIOLATIONS**

8 Count 1: Failure to File an Assuming Office SEI

9 Caudillo failed to timely file an Assuming Office SEI by February 19, 2021, in violation of
10 Government Code section 87202.

11 Count 2: Failure to File a 2021 Annual SEI

12 Caudillo failed to timely file a 2021 Annual SEI by April 1, 2022, in violation of Government
13 Code section 87203.

14 Count 3: Failure to File a 2022 Annual SEI

15 Caudillo failed to timely file a 2022 Annual SEI by April 3, 2023, in violation of Government
16 Code section 87203.

17 Count 4: Failure to File a Leaving Office SEI

18 Caudillo failed to timely file a Leaving Office SEI by May 15, 2023, in violation of Government
19 Code section 87204.

20
21 **EXCULPATORY OR MITIGATING INFORMATION**

22 Caudillo has no prior history of violations with the Enforcement Division.

23 **OTHER RELEVANT INFORMATION**

24 The Enforcement Division is not aware of any other relevant information.

25 //

26 //

1 **CONCLUSION**

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

5
6 Dated: 11/01/2023

Respectfully Submitted,

7 **FAIR POLITICAL PRACTICES COMMISSION**

8 James M. Lindsay
Enforcement Chief

9
10 *Cinthya Bernabé*

11 By: Cinthya Bernabé
12 Commission Counsel
Enforcement Division

Exhibit A-2

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, CA 95811. On November 2, 2023, I served the following document(s):

1. Letter dated November 1, 2023, from Cinthya Bernabé
2. FPPC No. 2022-00191 Report in Support of a Finding of Probable Cause;
3. Probable Cause Fact Sheet
4. Probable Cause Statutes
5. Probable Cause Regulations
6. Probable Cause Report Check List

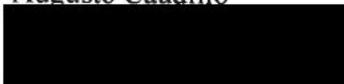
By Personal Delivery. I personally delivered the document(s) listed above to the person(s) at the address(es) as shown on the service list below.

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

Augusto Caudillo


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 2, 2023.


Stacey Anderson-Wise

9589 0710 5270 0589 1342 61

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

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

OFFICIAL USE

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postmark
Here

Postage:
Augusto Caudillo

[Redacted Address]

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:

Augusto Caudillo



9590 9402 6097 0125 5939 95

2. Article Number (Transfer from service label)

9589 0710 5270 0589 1342 61

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

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

- 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

Domestic Return Receipt

USPS TRACKING #



SANTA BARBARA CA 931

9590 9402 6097 0125 5939 95

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

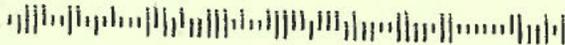
9590 9402 6097 0125 5939 95

CB/2022-00191

United States
Postal Service

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

Fair Political Practices Commission
1102 Q Street, Suite 3050
Sacramento, California 95811



Tracking Number:

[Remove X](#)

9589071052700589134261

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was delivered to an individual at the address at 4:08 pm on November 9, 2023 in [REDACTED]

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

[REDACTED]

November 9, 2023, 4:08 pm

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Feedback

Exhibit A-3



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

November 1, 2023

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Augusto Caudillo
[REDACTED]

In the Matter of Augusto Caudillo, FPPC Case No. 2022-00191

Dear Mr. Caudillo,

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

Please note, this Report does not impact settlement negotiations. If you have questions or concerns about the purpose of this Report or about settlement negotiations, *please contact me at cbernabe@fppc.ca.gov*.

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.

Finally, you have the right to request discovery of the evidence in possession of, and relied upon by, the Commission. *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 Commission 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 Commission 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,

Cinthya Bernabé

Cinthya Bernabé
Commission Counsel

Enclosures

- Probable Cause Report
- Memorandum re: Probable Cause Proceedings
- Probable Cause Statutes
- Probable Cause Regulations
- Probable Cause Report Check List

PROBABLE CAUSE FACT SHEET

INTRODUCTION

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

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

THE LAW

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

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

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

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

THE PROCEDURE

Probable Cause Report

Administrative enforcement proceedings are commenced with the service, by registered or certified mail or in person, of a probable cause report. The report will contain a written summary of the law and evidence that supports a finding of probable cause that each alleged violation of the Act has occurred, as well as a description of any exculpatory evidence indicating a violation alleged in the report did not occur. It is filed with the Hearing Officer.

Records

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

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

Response to Probable Cause Report

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

You must file your response with the Commission Assistant.

Staff Reply

Not later than 14 calendar days following the date the response was filed with the Commission Assistant, Commission staff may submit any evidence or argument in rebuttal. You will be served with a copy of any such reply.

Probable Cause Conference

Probable cause conferences are held at the offices of the Fair Political Practices Commission, which is located at 1102 Q Street, Suite 3050, Sacramento, CA 95811. You may appear at the conference in person or by telephone. The proceedings are not public unless the alleged violator files with the Commission a written request that the proceeding be public. Otherwise, the probable cause report, any written responses, and the probable cause conference itself are confidential.

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

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

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

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

² 2 CCR § 18361.4, subd. (d)(1).

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

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

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

Probable Cause Order and Accusation

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

Settlements

Probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether or not there is probable cause to believe that the Political Reform Act was violated. Anyone who wishes to discuss settlement with the Enforcement Division may do so before or after the probable cause conference but not during the conference. The Hearing Officer will not participate in any settlement negotiations.

CONCLUSION

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

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

³ 2 CCR §18361.4, subd. (a).

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

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

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

- (1) A copy of the probable cause report;
- (2) Notification that each respondent has the right to respond in writing to the probable cause report and to request a probable cause conference at which the respondent may be present in person and represented by counsel, notification of all deadlines to file a written response, and request a probable cause conference;
- (3) If the Commission met in executive session on this matter pursuant to Regulation 18361.2, a copy of any staff memoranda submitted to the Commission at that time along with the recording of any discussion between the Commission and the staff at the executive session as required in subdivision (b) of Regulation 18361.2; and
- (4) A probable cause checklist form which includes information regarding a respondent's options for a probable cause conference, written response, and evidence, as well as the respondent(s) best contact information, available dates, and preferred method of service.

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

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

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

(2)

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

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

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

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

(A) The Enforcement Division will provide copies of the requested records upon payment of a fee for direct costs of duplication or provide electronically without cost. The Enforcement Division shall provide such records by electronic mail or U.S. mail to all respondents, with a copy to the Commission Assistant. A respondent may submit a written response to the probable cause report described in subsection (1) no later than 21 calendar days after the evidence is sent. The records produced by the Enforcement Division pursuant to this subdivision shall be considered the final production at the Probable Cause level and is not appealable.

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

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

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

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

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

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

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

constitute a finding that a violation occurred. The hearing officer shall not make a finding of probable cause if presented with clear and convincing evidence that, at least 21 working days prior to the alleged violation, the respondent requested written advice from the Commission staff pursuant to Section 83114(b), disclosed truthfully all the material facts, and committed the acts complained of in reliance on formal advice of Commission staff or because of Commission staff's failure to provide advice. If the hearing officer makes a finding of probable cause, then the Enforcement Division shall prepare an Accusation pursuant to Section 11503 and have it served upon the person or persons who are subjects of the probable cause finding. The hearing officer shall publicly announce the finding of probable cause. The announcement shall contain a summary of the allegations and a cautionary statement that the respondent is presumed to be innocent of any violation of the Act unless a violation is proved in a subsequent proceeding. The Chief of the Enforcement Division shall be responsible for the presentation of the case in support of the Accusation at an administrative hearing held pursuant to Section 83116.

§ 18361.2. Memorandum Respecting Civil Litigation.

- (a) If the Executive Director concludes civil litigation should be initiated, he or she shall submit to the Commission a written memorandum, which shall be first reviewed by the General Counsel, or an attorney from the Legal Division, summarizing the facts and the applicable law of the case and recommending the initiation of a lawsuit. The memorandum shall include all exculpatory and mitigating information known to the staff.
- (b) The Commission shall review the memorandum at an executive session. The General Counsel, or an attorney from the Legal Division, and the Commission Assistant shall be in attendance. No other member of the staff may be present unless the Commission meets with a member of the staff for that person to answer questions. The Commission may not resume its deliberations until the person is no longer present. Any communication between the Commission and the person during the executive session shall be recorded. After review of the memorandum, the Commission may direct the Executive Director to do any of the following:
 - (1) Initiate civil litigation.
 - (2) Decide whether probable cause proceedings should be commenced pursuant to 2 Cal. Code of Regulations Section 18361.4.
 - (3) Return the matter to the staff for further investigation.
 - (4) Take no further action on the matter or take any other action it deems appropriate.
- (c) If the Commission decides to initiate civil litigation, the Commission may then permit other members of the staff to attend the executive session.
- (d) If the Executive Director deems it necessary, he or she may call a special meeting of the Commission to review a staff memorandum recommending the initiation of civil litigation.
- (e) It is the intent of the Commission in adopting this section to preserve for the members of the Commission the authority to decide whether alleged violations should be adjudicated in administrative hearings or in civil litigation, while at the same time avoiding the possibility that discussions with members of the staff might cause members of the Commission to prejudge a case that might be heard by the Commission under Government Code Section 83116.

Exhibit A-4

1 JAMES M. LINSDAY
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4 Sacramento, CA 95811
Telephone: (279) 237-5978
5 Email: cbernabe@fppc.ca.gov

6 Attorneys for Complainant

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9 STATE OF CALIFORNIA

10 In the Matter of) FPPC No. 2022-00191
11)
12 AUGUSTO CAUDILLO,) EX PARTE REQUEST FOR A FINDING OF
13) PROBABLE CAUSE AND AN ORDER THAT
14 Respondents.) AN ACCUSATION BE PREPARED AND
15) SERVED
16) Gov. Code § 83115.5
17)

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

17 Pursuant to Section 83115.5 of the Political Reform Act (the “Act”)¹ and Regulation 18361.4,
18 Respondent Augusto Caudillo (“Caudillo”) was served with a copy of a report in support of a finding of
19 probable cause (“PC Report”) in the above-entitled matter.² The PC Report, attached as “Exhibit A,” was
20 part of a packet of materials, including a cover letter and a memorandum describing probable cause
21 proceedings, which was sent to Caudillo on November 2, 2023 by certified mail, with return receipt
22 requested, and was delivered on November 9, 2023. A copy of the return receipt is attached as “Exhibit
23 B.”

24 _____
25 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.

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

1 In the cover letter dated November 1, 2023, and the attached materials, Caudillo was advised that
2 he could respond in writing to the PC Report and orally present the case to the Hearing Officer at a
3 probable cause conference to be held in Sacramento. Caudillo was further advised that in order to have a
4 probable cause conference he needed to make a written request for one within 21 days of the date he
5 received the PC Report, or the date requested records were sent by the Enforcement Division.
6 Additionally, Caudillo was advised that if he did not request a probable cause conference, such a
7 conference would not be held and probable cause would be determined based solely on the PC Report and
8 any written response that he submitted within 21 days of the date he was served with the PC Report, or
9 the date requested records were sent by the Enforcement Division. To date, Caudillo has not submitted a
10 written response or requested a probable cause conference.

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

14 Count 1: Failure to File an Assuming Office SEI

15 Caudillo failed to timely file an Assuming Office SEI by February 19, 2021, in violation of
16 Government Code section 87202.

17 Count 2: Failure to File a 2021 Annual SEI

18 Caudillo failed to timely file a 2021 Annual SEI by April 1, 2022, in violation of Government
19 Code section 87203.

20 Count 3: Failure to File a 2022 Annual SEI

21 Caudillo failed to timely file a 2022 Annual SEI by April 3, 2023, in violation of Government
22 Code section 87203.

23 Count 4: Failure to File a Leaving Office SEI

24 Caudillo failed to timely file a Leaving Office SEI by May 15, 2023, in violation of Government
25 Code section 87204.

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

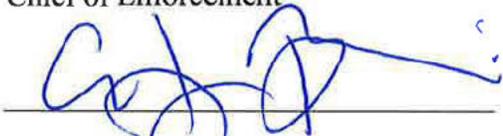
3 A copy of this Request was mailed via U.S. Mail to Caudillo on December 1, 2023 at the last
4 known address, as follows:

5 Augusto Caudillo
6 [REDACTED]
7 [REDACTED]

8 Dated: December 7, 2023

Respectfully Submitted,

10 **FAIR POLITICAL PRACTICES COMMISSION**
11 James M. Lindsay
12 Chief of Enforcement

13 

14 By: Cinthya Bernabé
15 Commission Counsel
16 Enforcement Division

17
18
19
20
21
22
23
24
25
26 ³ Gov. Code § 11503.

Exhibit A-5

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3
4 In the Matter of) FPPC No. 2022-00191
5)
6) AUGUSTO CAUDILLO,) FINDING OF PROBABLE CAUSE AND
7) Respondent.) ORDER TO PREPARE AND SERVE AN
8) ACCUSATION
9) Gov. Code § 83115.5
10)
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9 By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation
10 Be Prepared and Served, dated December 7, 2023, the Enforcement Division submitted the above-entitled
11 matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request
12 for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served (“Ex Parte
13 Request”), the Enforcement Division served a Report in Support of a Finding of Probable Cause (“PC
14 Report”) on Respondent Augusto Caudillo (“Caudillo”) on November 2, 2023 by certified mail, return
15 receipt requested. Accompanying the PC Report was a packet of materials that informed the Respondent
16 of his right to file a written response to the PC Report and to request a probable cause conference within
17 21 days following service of the PC Report, or transmittal of any requested records by the Enforcement
18 Division. During the 21 days that followed service of the PC Report, Respondent did not file a response
19 to the PC Report, request records, or request a probable cause conference. Pursuant to California Code of
20 Regulations title 2, section 18361.4,¹ determination of probable cause may be made solely on papers
21 submitted when the respondent does not request a probable cause conference.

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

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

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

3 The PC Report served on Respondent Caudillo and the subsequent Ex Parte Request in this matter
4 alleges four violations of the Political Reform Act were committed, as follows:

5 Count 1: Failure to File an Assuming Office SEI

6 Caudillo failed to timely file an Assuming Office SEI by February 19, 2021, in violation of
7 Government Code section 87202.

8 Count 2: Failure to File a 2021 Annual SEI

9 Caudillo failed to timely file a 2021 Annual SEI by April 1, 2022, in violation of Government
10 Code section 87203.

11 Count 3: Failure to File a 2022 Annual SEI

12 Caudillo failed to timely file a 2022 Annual SEI by April 3, 2023, in violation of Government
13 Code section 87203.

14 Count 4: Failure to File a Leaving Office SEI

15 Caudillo failed to timely file a Leaving Office SEI by May 15, 2023, in violation of Government
16 Code section 87204.

17 Based on the Ex Parte Request given to me, I find that notice has been given to Caudillo.³ I further
18 find, based on the PC Report and the Ex Parte Request, that there is probable cause to believe that Caudillo
19 violated the Political Reform Act as alleged in Counts 1 through 4, as identified above.

20 I therefore direct that the Enforcement Division issue an accusation against the Caudillo in
21 accordance with this finding.

22 IT IS SO ORDERED.

23 Dated: December 13, 2023

24 
25 _____
26 Hearing Officer
27 Fair Political Practices Commission

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

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

Exhibit A-6

1 JAMES M. LINDSAY
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2 CINTHYA BERNABE
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6 Attorneys for Complainant
Enforcement Division of the Fair Political Practices Commission

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA

10
11 In the Matter of:) FPPC No. 2022-00191
12)
13) **ACCUSATION**
14)
15) (Gov. Code §11503)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

AUGUSTO CAUDILLO,
Respondent.

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

JURISDICTION

1. Complainant is the Enforcement Division of the Fair Political Practices Commission, (the “Commission”) and makes this Accusation in its official capacity and in the public interest.
2. The authority to bring this action is derived from Title 2, California Code of Regulations, Sections 18361 and 18361.4, subdivision (g), and the statutory law of the State of California, specifically including, but not limited to, Government Code Sections 83111, 83116, and 91000.5, which assign to the Enforcement Division the duty to administer, implement, and enforce the provisions of the Political Reform Act, found at Government Code Sections 81000 through 91014.

1 **B. Duty to File Annual Statement of Economic Interests**

2 9. Specific public officials, including planning commissioners, are required to file an
3 Annual SEI.⁸ The Annual SEI discloses a planning commissioner’s investments, interests in real
4 property, and income during the previous year.⁹ The Annual SEI is due by April 1 of each year.¹⁰

5 **C. Duty to File a Leaving Office Statement of Economic Interests**

6 10. Specific public officials, including planning commissioners, are required to file a Leaving
7 Office SEI within 30 days of leaving office.¹¹ A Leaving Office SEI discloses investments, interests in
8 real property, and income since the reporting period covered by the previous SEI.¹²

9 **D. Filing Deadline on Weekend or Holiday**

10 11. If a statement or report is required to be filed before or on a specified date or during or
11 within a specified period, and the filing deadline falls on a Saturday, Sunday, or official state holiday,
12 the filing deadline for the statement or report shall be extended to the next regular business day.¹³

13 **E. Factors to be Considered by the Fair Political Practices Commission**

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

25 ⁸ Sections 87200 and 87203.

26 ⁹ Section 87203.

27 ¹⁰ Section 87200 and Regulation 18723, subdivisions (a) and (b)(2).

28 ¹¹ Section 87204.

¹² Section 87204.

¹³ Section 81005.

1 Commission staff or any other governmental agency in a manner not constituting a complete defense
2 under Government Code Section 83114(b); (7) whether the violation was isolated or part of a pattern
3 and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and
4 (8) whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide
5 full disclosure.¹⁴

6 **GENERAL FACTS**

7 13. Caudillo was appointed to the City of Lompoc Planning Commission on January 20,
8 2021.

9 14. As a planning commissioner, Caudillo was required to file an Assuming Office SEI by
10 February 19, 2021, a 2021 Annual SEI by April 1, 2022, a 2022 Annual SEI by April 3, 2023, and a
11 Leaving Office SEI by May 15, 2023.

12 15. On July 9, 2021, the City of Lompoc referred Caudillo to the Enforcement Division after
13 Caudillo failed to file the Assuming Office SEI on February 19, 2021.

14 16. The Enforcement Division contacted Caudillo in writing two times between March 4,
15 2021 and May 24, 2021, one time on February 10, 2022, three times between June 30, 2022 and August
16 4, 2022, one time on December 19, 2022, and three times between March 3, 2023 and September 19,
17 2023. Additionally, the Enforcement Division spoke to Caudillo on September 15, 2022 to discuss the
18 alleged complaint, and on September 28, 2022 the Enforcement Division contacted Caudillo via e-mail.

19 17. Caudillo did not file an Assuming Office SEI by the deadline of February 19, 2021.

20 18. Caudillo did not file a 2021 Annual SEI by the deadline of April 1, 2022.

21 19. Caudillo did not file a 2022 Annual SEI by the deadline of April 3, 2023.

22 20. Caudillo did not file a Leaving Office SEI by the deadline of May 15, 2023.

23 21. Caudillo has not filed any of the above SEIs as of the issuance of this Accusation.

24 **PROCEDURAL HISTORY**

25 22. The Enforcement Division initiated an administrative action against Caudillo in this
26 matter by serving a packet containing a cover letter, a Report in Support of a Finding of Probable Cause
27 (“PC Report”), a fact sheet regarding probable cause proceedings, selected sections of the Government

28 _____
¹⁴ Regulation 18361.5, subdivision (e).

1 Code regarding probable cause proceedings for the Commission, and selected regulations of the
2 Commission regarding probable cause proceedings.

3 23. Caudillo was served with the PC Report via certified mail on or about November 9, 2023.
4 The information contained in the PC Report packet advised Caudillo that Caudillo had 21 days in which
5 to request a probable cause conference, file a written response to the PC Report, or both. During the 21
6 days that followed service of the PC Report, Caudillo did not file a response to the PC Report or request
7 a probable cause conference.

8 24. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an
9 Accusation Be Prepared and Served (“Ex Parte Request”), dated December 7, 2023, the Enforcement
10 Division submitted the matter to the Hearing Officer for a determination of probable cause.

11 25. On or about December 14, 2023, the Hearing Officer issued an order finding, based on
12 the Ex Parte Request and the PC Report, that there was probable cause to believe Caudillo violated the
13 Act and directed the Enforcement Division to issue an Accusation against Caudillo in accordance with
14 the finding.

15 **VIOLATIONS**

16 26. Caudillo committed four violations of the Act as follows:

17 **Count 1**

18 **Failure to Timely File an Assuming Office SEI**

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

21 28. Caudillo had a duty to file an Assuming Office SEI for the period of January 20, 2020
22 through January 20, 2021, by the deadline of February 19, 2021.

23 29. Caudillo, as a City of Lompoc planning commissioner, failed to timely file an Assuming
24 Office SEI within thirty days of assuming the planning commission on January 20, 2021.

25 30. By failing to timely file the Assuming Office SEI by the deadline of February 19, 2021,
26 Caudillo violated Government Code Sections 87200 and 87202.

27 //

1 **Count 2**

2 **Failure to Timely File an Annual SEI**

3 31. Complainant incorporates paragraphs 1 – 30 of this Accusation, as though completely set
4 forth here.

5 32. Caudillo had a duty to file a 2021 Annual SEI for the period of January 20, 2021 through
6 December 31, 2021, by the deadline of April 1, 2022.

7 33. Caudillo, as a City of Lompoc planning commissioner, failed to timely file a 2021
8 Annual SEI by April 1, 2022.

9 34. By failing to timely file the 2021 Annual SEI by the deadline of April 1, 2022, Caudillo
10 violated Government Code Sections 87200 and 87203.

11 **Count 3**

12 **Failure to Timely File an Annual SEI**

13 35. Complainant incorporates paragraphs 1 – 34 of this Accusation, as though completely set
14 forth here.

15 36. Caudillo had a duty to file a 2022 Annual SEI by the deadline of April 3, 2023.

16 37. Caudillo, as a City of Lompoc planning commissioner, failed to timely file a 2022
17 Annual SEI by April 3, 2023.

18 38. By failing to timely file the 2022 Annual SEI by the deadline of April 3, 2023, Caudillo
19 violated Government Code Sections 87200 and 87203.

20 **Count 4**

21 **Failure to Timely File a Leaving Office SEI**

22 39. Complainant incorporates paragraphs 1 – 38 of this Accusation, as though completely set
23 forth here.

24 40. Caudillo had a duty to file a Leaving Office SEI for the period of January 1, 2023 through
25 April 13, 2023, by the deadline of May 15, 2023.

26 41. Caudillo, as a City of Lompoc planning commissioner, failed to timely file a Leaving
27 Office SEI within thirty days of leaving the planning commission on April 13, 2023.

1 42. By failing to timely file the Leaving Office SEI by the deadline of May 15, 2023,
2 Caudillo violated Government Code Sections 87200 and 87204.

3 **MITIGATING OR EXCULPATORY FACTORS**

4 43. None known.

5 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

6 44. None known.

7 **PRAYER**

8 WHEREFORE, Complainant prays as follows:

- 9 1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116
10 and Regulation 18361.5, and at such hearing find that Caudillo violated the Act as alleged
11 herein;
- 12 2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
13 order Caudillo to pay a monetary penalty of up to \$5,000 for the violation of the Political
14 Reform Act alleged in **Count 1**;
- 15 3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
16 order Caudillo to pay a monetary penalty of up to \$5,000 for the violation of the Political
17 Reform Act alleged in **Count 2**;
- 18 4. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
19 order Caudillo to pay a monetary penalty of up to \$5,000 for the violation of the Political
20 Reform Act alleged in **Count 3**;
- 21 5. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
22 order Caudillo to pay a monetary penalty of up to \$5,000 for the violation of the Political
23 Reform Act alleged in **Count 4**;
- 24 6. That the Fair Political Practices Commission, pursuant to Regulation 18361.5,
25 subdivision (e), consider the following factors in framing a proposed order following a
26 finding of a violation pursuant to Section 83116: (1) The extent and gravity of the public
27 harm caused by the specific violation; (2) The level of experience of the violator with the
28

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

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

12
13 Dated: March 26, 2024



14 James M. Lindsay, Chief of Enforcement
15 Fair Political Practices Commission
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Exhibit A-7

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) FAIR POLITICAL PRACTICES COMMISSION 1102 Q ST. #3000 SACRAMENTO, CA 95811 TELEPHONE NO.: (916) 322-8246 FAX NO. (Optional): (916) 322-0886 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: , CA BRANCH NAME:	
PLAINTIFF/PETITIONER: AUGUSTO CAUDILLO DEFENDANT/RESPONDENT:	CASE NUMBER: 2022-00191 HEARING DATE: HEARING TIME: DEPARTMENT:
PROOF OF SERVICE	

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

ACCUSATION

PARTY SERVED: **AUGUSTO CAUDILLO**

DATE & TIME OF DELIVERY: **6/14/2024**
12:26 PM

ADDRESS, CITY, AND STATE: [REDACTED]

PHYSICAL DESCRIPTION: **Age: 40'S Sex: Male Race: HISPANIC Height: 5'3 Weight: 200 Hair: GRAY/ BLACK Eyes: BROW**

MANNER OF SERVICE:
Personal Service - By personally delivering copies.

Fee for Service: \$ 93.75
 County: VENTURA
 Registration No.:
 REZAC-MEYER ATTORNEY SERVICE
 PO BOX 7299
 VENTURA, CA 93006
 (805) 658-8454

Ref: AUGUSTO CAUDILLO

I declare under penalty of perjury under the laws of the
 The State of California that the foregoing information
 contained in the return of service and statement of
 service fees is true and correct and that this declaration
 was executed on June 14, 2024.

Signature: 

 SYDNEY KRUFFT

PROOF OF SERVICE
AUGUSTO CAUDILLO

Exhibit A-8

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.



BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of

AUGUSTO CAUDILLO,

Respondent(s).

) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
) FPPC Case No. 2022-00191
)
)
)
)
)

AUGUSTO CAUDILLO, 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, 11507, 11507.3, 11507.5, 11507.6, 11507.7 and 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.

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

AUGUSTO CAUDILLO

Print Name

Mailing Address

City, State, Zip



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3050 • Sacramento, CA 95811

STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

Augusto Caudillo

FPPC Case No. 2022-00191

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 Cinthya Bernabe, Commission Counsel, Enforcement Division, at (279) 237-5978 or at CBernabe@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.

Exhibit A-9



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

March 4, 2021

Augusto Caudillo

Subject: Statement of Economic Interests - Assuming Office

Dear Augusto Caudillo :

Congratulations on your appointment as **Planning Commissioner** to the City of Lompoc. The Political Reform Act requires that official and employees who are designated in an agency's conflict of interest code must file a Statement of Economic Interests, Form 700. Therefore, your Form 700 is due by 02/19/2021.

Our records indicate that you assumed your position on **01/20/2021**. As an official or employee whose position is designated in the agency's conflict of interest code, you are required to file an assuming office Form 700 Statement of Economic Interests, Form 700 no later than 30 days after the date you assumed office.

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

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

Upon login you will see a list of positions that you are required to file Form 700 for. Once you have completed your form, the system will prompt you to electronically submit your completed Form 700. Once submitted your form will be saved in your online e-filing cabinet under the "Previous Filings" menu.

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



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

Please watch a short 'How-to' video:

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

Program Location

The location of the program is: <https://form700.fppc.ca.gov/>

What is my Login ID?

Your Login ID is: chefcaudillo@gmail.com

What is my Password?

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

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

If you need assistance in logging into the system and/or need your password reset, please contact your Department/Authority/District Contact Person(s) shown below:

Stacey Haddon
City of Lompoc
100 Civic Center Plz
Lompoc, CA 93436-6916
(805)875-8241 ext:8243
Form700@fppc.ca.gov

Note: Once logged in, a 6 minute video tutorial has been provided under the Help Menu on the left side of the screen. Please review it prior to filing your form. You can also read the Filer User Guide or the Quick Reference Guide that is also available under the Help Menu.

Exhibit A-10

From: [Sonia Rangel](#)
To: [Cinthya Bernabe](#)
Subject: RE: 2022-00191
Date: Thursday, October 19, 2023 4:08:23 PM
Attachments: [image001.jpg](#)
[image003.jpg](#)

Yes, I work from home, so you can call me at [REDACTED].

Thanks,

Sonia Rangel

Staff Services Analyst

Administration and Technology Division

Fair Political Practices Commission

* 1102 Q Street, Ste. 3050, Sacramento, CA 95811 *

916-323-6229 (direct) | 1-866-275-3772 | www.fppc.ca.gov

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

From: Cinthya Bernabe <cbernabe@fppc.ca.gov>
Sent: Thursday, October 19, 2023 4:03 PM
To: Sonia Rangel <SRangel@fppc.ca.gov>
Subject: RE: 2022-00191

Sorry. Can I call you quickly from my cell?

From: Sonia Rangel <SRangel@fppc.ca.gov>
Sent: Thursday, October 19, 2023 4:01 PM
To: Cinthya Bernabe <cbernabe@fppc.ca.gov>
Subject: RE: 2022-00191

Yes, we send all filers reminders to file beginning in January – the dates they were sent are: 1/2/2023, 3/2/2023, and 3/24/2023.

Thanks!

Sonia Rangel

Staff Services Analyst

Administration and Technology Division

Fair Political Practices Commission

* 1102 Q Street, Ste. 3050, Sacramento, CA 95811 *

916-323-6229 (direct) | 1-866-275-3772 | www.fppc.ca.gov

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recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Cinthya Bernabe <cbernabe@fppc.ca.gov>

Sent: Thursday, October 19, 2023 3:46 PM

To: Sonia Rangel <SRangel@fppc.ca.gov>

Subject: RE: 2022-00191

And can you tell from your records whether any contact was made to inform Caudillo that his 2021 Annual SEI was also due/ outstanding for 4/1/2023, and that his leaving office SEI was due/outstanding?

From: Sonia Rangel <SRangel@fppc.ca.gov>

Sent: Thursday, October 19, 2023 3:12 PM

To: Cinthya Bernabe <cbernabe@fppc.ca.gov>

Subject: RE: 2022-00191

No problem – and correct. He hasn't filed any of his required statements. He had already been referred to Enforcement for his 2021 Assuming, and his 2021 Annual statements.

Thank you,

Sonia Rangel

Staff Services Analyst

Administration and Technology Division

Fair Political Practices Commission

* 1102 Q Street, Ste. 3050, Sacramento, CA 95811 *

916-323-6229 (direct) | 1-866-275-3772 | www.fppc.ca.gov

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From: Cinthya Bernabe <cbernabe@fppc.ca.gov>

Sent: Thursday, October 19, 2023 3:02 PM

To: Sonia Rangel <SRangel@fppc.ca.gov>

Subject: RE: 2022-00191

Thank you.

And just to confirm Caudillo has not filed the following SEIs, assuming office, 2021 and 2022 annual, or departing office?

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Exhibit A-11

Designated City Officials and Positions

1. The Mayor, City Council Members, Planning Commissioners, City Manager, City Attorney, City Treasurer, and any other City officials who manage public investments as defined by California Code of Regulations Title 2, Section 18701(b), must file disclosure statements pursuant to Government Code sections 87200 *et seq.*
2. The following designated positions must file disclosure statements pursuant to the City of Lompoc's Conflict of Interest Code:

Accounting and Revenue Manager

Accounting Supervisor

Administrative Aide

Administrative Analyst; Senior Administrative Analyst

Assistant City Attorney

Assistant Electrical Utilities Manager

Assistant Planner; Associate Planner

Assistant Public Works Director/City Engineer

Aviation/Transportation Administrator

Battalion Fire Chief; Battalion Fire Chief/Fire Marshal

Branch Library Manager

Building Official & Safety Services Manager

Building Technician

Building/Zoning Inspector; Senior Building/Zoning Inspector

Buyer; Buyer/Purchasing Assistant; Buyer; Warehouse

Candidate for Mayor or Council ~~m~~Member at any election

Chief of Police

City Clerk

Civil Engineer

Civil Engineering Associate I, II, III

Community Development Program Manager

Community Relations Manager/Public Information Officer

Computer ~~Technician~~Operator/Programmer

Deputy City Attorney; Senior Deputy City Attorney

Deputy City Clerk

Deputy City Manager

Economic Development Director/Assistant City Manager

Electrical Utility Engineer; Senior Electrical Utility Engineer; Assistant

Electrical Utility Engineer

Electrical Utility Manager

Environmental Coordinator; Senior Environmental Coordinator

Facilities, Fleet, & Park Maintenance Manager
Financial Services Manager
Fire Chief
Fire Marshall
Human Resources Analyst; ~~Senior~~ Human Resources Senior Analyst
Human Resources Manager
Human Resources Staff Assistant - Confidential
Human Resources Technician
Information Systems Manager
Librarian I, II
Library Director
Literacy Coordinator
Planning Manager
Planning Technician
Police Captain
Principal Human Resources Analyst
Principal Planner
Public Works Director
Purchasing and Materials Manager
Recreation Manager
~~Registered Civil Engineer; Senior Registered Civil Engineer~~
Safety Officer
Senior Civil Engineer
Solid Waste Superintendent
Treasury/Utility Billing Staff Supervisor
Utility~~ies~~ Director
Utility Accountant
Utility Accounting Supervisor
Wastewater Superintendent
Water Resources Engineer
Water Superintendent
Wireless Services Administrator

3. Members of the following Boards, Commissions, and Committees, and City staff supporting them, are required to file conflict of interest statements pursuant to the City of Lompoc's Conflict of Interest Code:

Airport Commission
Beautification and Appearance Commission
~~Citizens Committee to Oversee the Park Maintenance and City Pool Assessment
District No. 2002-01~~
Compliance Committee (For Sub-Recipient Financial, Programmatic, and
Monitoring Reporting Policy)
Economic Development Committee

Human Services Commission

Library Commission

~~Mobilehome Rent Stabilization Board~~

Oversight Board to the Successor Agency of the Dissolved Lompoc
Redevelopment Agency

Parks and Recreation Commission

Public Safety Commission

Senior Commission

Successor Agency

Utilities Commission

Youth Commission (Members aged 18 and older)

Disclosure Obligations

All designated positions required to file conflict of interest statements pursuant to the City of Lompoc Conflict of Interest Code must disclose in the following categories as defined by the Fair Political Practices Commission:

1. Investments (stocks, bonds and other interests),
2. Investments, income and assets of business entities/trust,
3. Interests in real property,
4. Income, loans and business positions (income other than gifts and travel payments),
5. Income – gifts, and
6. Travel payments, advances and reimbursements.

Consultants filling designated positions shall disclose pursuant to the broadest disclosure category subject to the following limitation: The City Manager may determine, in writing, a particular consultant has been hired to perform a range of duties that is sufficiently limited in scope so as not to require full compliance with the disclosure requirements of the City of Lompoc's Conflict of Interest Code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements, if any. The determination of the City Manager is a public record and shall be retained for public inspection.

Exhibit A-12



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

June 30, 2022

Augusto Caudillo

**Subject: Statement of Economic Interests - Notice of Non-Filing
FIRST NON-FILER NOTIFICATION - 2021 Annual**

Dear Augusto Caudillo:

According to our records, your Statement of Economic Interests, Form 700 as Planning Commissioner for City of Lompoc which was due on **April 1, 2022**, has not been received. Please file immediately. The deadline cannot be extended.

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

You are eligible to use the new eDisclosure system (hyperlink below) to complete and submit your Form 700 electronically.

Please view a short 'How -to' video :

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

Then login to eDisclosure and file:

eDisclosure System: <https://form700.fppc.ca.gov/>

Your Login ID: [REDACTED]

Password:

Existing Filers (have previously logged into the system) - If you have previously logged into the system, you have created your own password. If you have forgotten your password, please use the "Forgot Password" feature on the eDisclosure home page.

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

or

The FPPC Website Link for the Statement of Economic Interests, Form 700 and instructions is



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

<http://www.fppc.ca.gov/>. Please file your statement along with an explanation for the late filing to:

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

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

Sincerely,
Sonia Rangel
(916)323-6229
Form700@fppc.ca.gov

Exhibit A-13



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

Dear Augusto Caudillo,

It is time to file your **2022** Annual Statement of Economic Interests, Form 700, which is due **April 3, 2023**. You are designated to file the Form 700, and you can now prepare and submit your form electronically. **If you have left office, please contact your FPPC contact.**

After logging on, you will see a list of positions that you are required to file with the FPPC. Once submitted, your form will be saved in your online e-filing cabinet under "Previous Filings" menu.

To begin e-filing, please take the following steps:

1. Watch a short "how to" video at this [link](#).
2. Access eDisclosure system and complete your form 700 at this link:
<https://form700.fppc.ca.gov/>
3. Submit your Form 700 by April 03, 2023.

It is our vision that eDisclosure system will make it easier for you to complete and submit your Form700. This program is secure and password-protected; and assists you in accurately completing the Form 700 by performing an error-check prior to finalization. Once you complete and submit the Form 700 in eDisclosure, your information is stored and available for future filings. You will have access to eDisclosure 24/7, and online help is available in the form of video tutorials and user guides under the "Help" menu.

If you have any questions please contact Sonia Rangel at (916)323-6229 or via email at Form700@fppc.ca.gov.

Exhibit A-14



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

March 3, 2023

STATEMENT OF ECONOMIC INTERESTS - FORM 700 FILERS

To: Augusto Caudillo, Planning Commissioner, City of Lompoc

If you have already completed your Form 700 manually and sent it to our office, you can disregard this message.

If you have left office, please contact your FPPC contact.

If you have not yet started filing your Form 700, now is the time to do so. The deadline is 04/03/2023, and fines will be assessed at \$10 per day for late filings.

You are eligible to use the new eDisclosure system (hyperlink below) to complete and submit your Form 700 electronically.

Please view a short 'How-to' video :

[Video](#)

Then login to eDisclosure and file:

eDisclosure System: <https://form700.fppc.ca.gov/>

Your Login ID: [REDACTED]

Password:

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

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



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

If you need assistance in logging into the system and/or need your password reset, please contact your Department/Authority/District Contact Person(s) shown below:

Stacey Haddon
City of Lompoc
100 Civic Center Plz,
Lompoc, CA 93436-6916
(805)875-8241 ext:8243

or

Form700@fppc.ca.gov

Video Tutorial: Once logged in, a 6 minute video tutorial has been provided under the Help Menu on the left side of the screen. Please review it prior to filing your form. You can also read the Filer User Guide or the Quick Reference Guide that is also available under the Help Menu.

We hope that you enjoy your e-file experience.

Sincerely,

Sonia Rangel

(916)323-6229

Form700@fppc.ca.gov

Exhibit A-15



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

May 24, 2021

Augusto Caudillo

City of Lompoc

**Subject: Statement of Economic Interests - Statement Not Filed Within 30 Days of First Notice
SECOND NON-FILER NOTIFICATION - 2021 Assuming**

Dear Augusto Caudillo:

According to our records, on March 4, 2021, you were notified that we did not receive your Statement of Economic Interest, Form 700, as Planning Commissioner for City of Lompoc, which was due on February 19, 2021. We advised you to file your statement within 30 days. However, to date we have not received your statement.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10.00 per day, up to a maximum of \$100.00. Furthermore, the Fair Political Practices Commission prohibits the waiving of any portion of the liability if the statement is not filed within 30 days after the Fair Political Practices Commission sends you specific written notice of the filing requirement.

Therefore, your Statement of Economic Interests, Form 700 must be completed and returned along with your check or money order payable to the State of California or to pay by credit card <http://www.fppc.ca.gov/Form700/pay-late-fines.html>. in the amount of \$100.00 made payable to the State of California. Your case number is AugustoCaudillo.

Forms and instructions are available online at <http://www.fppc.ca.gov/>.

Please send Form 700 and check/money order to:

Fair Political Practices Commission

1102 Q Street, Suite 3000

Sacramento, CA 95811

If we have not heard from you within 30 days from the date of this letter, this matter will be referred to the appropriate enforcement authority. Please be advised that in addition to the late filing penalties by Section 91013, Government Code Section 83116 provides that a fine of up to \$5,000 per violation may be imposed. Payment of the late filing fine under Section 91013 does not preclude further enforcement action, including the imposition of the additional fine under Section 83116.

If you have any questions or need assistance regarding this letter, or obtaining appropriate forms, please contact Sonia Rangel at (916)323-6229.

Exhibit A-16



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

August 4, 2022

Augusto Caudillo

City of Lompoc

**Subject: Statement of Economic Interests - Statement Not Filed Within 30 Days of First Notice
SECOND NON-FILER NOTIFICATION - 2021 Annual**

Dear Augusto Caudillo:

According to our records, on June 30, 2022, you were notified that we did not receive your Statement of Economic Interest, Form 700, as Planning Commissioner for City of Lompoc, which was due on **April 01, 2022**. We advised you to file your statement within 30 days. However, to date we have not received your statement.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10.00 per day, up to a maximum of \$100.00. Furthermore, the Fair Political Practices Commission prohibits the waiving of any portion of the liability if the statement is not filed within 30 days after the Fair Political Practices Commission sends you specific written notice of the filing requirement.

Therefore, your Statement of Economic Interests, Form 700 must be completed and returned along with your check or money order payable to the State of California or to pay by credit card <http://www.fppc.ca.gov/Form700/pay-late-fines.html>. in the amount of \$100.00 made payable to the State of California. Your case number is AugustoCaudillo.

Forms and instructions are available online at <http://www.fppc.ca.gov/>.

Please send Form 700 and check/money order to:

Fair Political Practices Commission

1102 Q Street, Suite 3000

Sacramento, CA 95811

If we have not heard from you within 30 days from the date of this letter, this matter will be referred to the appropriate enforcement authority. Please be advised that in addition to the late filing penalties by Section 91013, Government Code Section 83116 provides that a fine of up to \$5,000 per violation may be imposed. Payment of the late filing fine under Section 91013 does not preclude further enforcement action, including the imposition of the additional fine under Section 83116.

If you have any questions or need assistance regarding this letter, or obtaining appropriate forms, please contact Sonia Rangel at (916)323-6229.

Exhibit A-17



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

March 24, 2023

STATEMENT OF ECONOMIC INTERESTS - FORM 700 FILERS

To: Augusto Caudillo, Planning Commissioner, City of Lompoc

If you have already completed your Form 700 manually and sent it to our office, you can disregard this message.

If you have left office, please contact your FPPC contact.

If you have not yet started filing your Form 700, now is the time to do so. The deadline is 04/03/2023 and fines will be assessed at \$10 per day for late filings.

You are eligible to use the new eDisclosure system (hyperlink below) to complete and submit your Form 700 electronically.

Please view a short 'How-to' video :

[Video](#)

Then login to eDisclosure and file:

eDisclosure System: <https://form700.fppc.ca.gov/>

Your Login ID: [REDACTED]

Password:

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

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

If you need assistance in logging into the system and/or need your password reset, please contact your



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

Department/Authority/District Contact Person(s) shown below:

Stacey Haddon
City of Lompoc
100 Civic Center Plz,
Lompoc, CA 93436-6916
(805)875-8241 ext:8243

or

Form700@fppc.ca.gov

(be sure to include name, entity and position when sending an email)

Video Tutorial: Once logged in, a 6 minute video tutorial has been provided under the Help Menu on the left side of the screen. Please review it prior to filing your form. You can also read the Filer User Guide or the Quick Reference Guide that is also available under the Help Menu.

We hope that you enjoy your e-file experience.

Sincerely,

Sonia Rangel

(916)323-6229

Form700@fppc.ca.gov

Exhibit A-18

From: [Sonia Rangel](#)
To: [Cinthya Bernabe](#)
Subject: RE: 2022-00191
Date: Thursday, October 19, 2023 4:08:23 PM
Attachments: [image001.jpg](#)
[image003.jpg](#)

Yes, I work from home, so you can call me at [REDACTED].

Thanks,

Sonia Rangel

Staff Services Analyst

Administration and Technology Division

Fair Political Practices Commission

* 1102 Q Street, Ste. 3050, Sacramento, CA 95811 *

916-323-6229 (direct) | 1-866-275-3772 | www.fppc.ca.gov

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From: Cinthya Bernabe <cbernabe@fppc.ca.gov>
Sent: Thursday, October 19, 2023 4:03 PM
To: Sonia Rangel <SRangel@fppc.ca.gov>
Subject: RE: 2022-00191

Sorry. Can I call you quickly from my cell?

From: Sonia Rangel <SRangel@fppc.ca.gov>
Sent: Thursday, October 19, 2023 4:01 PM
To: Cinthya Bernabe <cbernabe@fppc.ca.gov>
Subject: RE: 2022-00191

Yes, we send all filers reminders to file beginning in January – the dates they were sent are: 1/2/2023, 3/2/2023, and 3/24/2023.

Thanks!

Sonia Rangel

Staff Services Analyst

Administration and Technology Division

Fair Political Practices Commission

* 1102 Q Street, Ste. 3050, Sacramento, CA 95811 *

916-323-6229 (direct) | 1-866-275-3772 | www.fppc.ca.gov

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recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Cinthya Bernabe <cbernabe@fppc.ca.gov>

Sent: Thursday, October 19, 2023 3:46 PM

To: Sonia Rangel <SRangel@fppc.ca.gov>

Subject: RE: 2022-00191

And can you tell from your records whether any contact was made to inform Caudillo that his 2021 Annual SEI was also due/ outstanding for 4/1/2023, and that his leaving office SEI was due/outstanding?

From: Sonia Rangel <SRangel@fppc.ca.gov>

Sent: Thursday, October 19, 2023 3:12 PM

To: Cinthya Bernabe <cbernabe@fppc.ca.gov>

Subject: RE: 2022-00191

No problem – and correct. He hasn't filed any of his required statements. He had already been referred to Enforcement for his 2021 Assuming, and his 2021 Annual statements.

Thank you,

Sonia Rangel

Staff Services Analyst

Administration and Technology Division

Fair Political Practices Commission

* 1102 Q Street, Ste. 3050, Sacramento, CA 95811 *

916-323-6229 (direct) | 1-866-275-3772 | www.fppc.ca.gov

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From: Cinthya Bernabe <cbernabe@fppc.ca.gov>

Sent: Thursday, October 19, 2023 3:02 PM

To: Sonia Rangel <SRangel@fppc.ca.gov>

Subject: RE: 2022-00191

Thank you.

And just to confirm Caudillo has not filed the following SEIs, assuming office, 2021 and 2022 annual, or departing office?



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Exhibit A-19



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050 • Sacramento, CA 95811

July 23, 2024

Augusto Caudillo

NOTICE OF DEFAULT DECISION AND ORDER

Re: FPPC No. 2022-00191, In the Matter of Augusto Caudillo

Dear Mr. Caudillo:

On June 16, 2024, 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 August 15, 2024. 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 September 19, 2024 and impose an administrative penalty of \$16,000 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 (279) 237-5978 or cbernabe@fppc.ca.gov if you wish to enter into a settlement to resolve this matter in its entirety.

Sincerely,

Cynthia Bernabe
Commission Counsel

¹ Government Code section 11505.

Enforcement Division

Exhibit A-20



FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

August 27, 2024

Augusto Caudillo

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

Re: FPPC No. 2022-00191, In the Matter of Augusto Caudillo

Dear Ms. Caudillo:

On June 16, 2024 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 **August 15, 2024**. The Commission will be asked to adopt the default at its public meeting scheduled for **September 19, 2024** and impose an administrative penalty of \$16,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on September 19, 2024 is enclosed with this letter.

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

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

¹ Government Code section 11505.

This letter is your last opportunity to resolve this matter informally by way of a stipulated settlement, before the default proceedings are commenced. If we do not reach a resolution, the enclosed documents will be placed on the Commission's agenda for the September 19, 2024 meeting. Please contact me at (279) 237-5978 or cbernabe@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,

Cynthia Bernabe
Commission Counsel
Enforcement Division

Enclosures