



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Miadich, Commissioners Baker, Gómez, Wilson, and Wood

From: Angela Brereton, Chief of Enforcement
Theresa Gilbertson, Senior Commission Counsel

Subject: Assignment of Hearing to Administrative Law Judge
Hanford Now and Dan Chin, FPPC Case NO. 16/711

Date: November 7, 2022

I. INTRODUCTION

Respondent Hanford Now (“Committee”) is registered as a general purpose committee in the City of Hanford. Respondent Dan Chin (“Chin”) serves as the Committee’s treasurer and principal officer.

The Committee and Chin accepted cash contributions in amounts of \$100 or more and failed to timely file campaign statements, as detailed in the First Amended Accusation attached to this memorandum. Chin filed a notice of defense in response to the First Amended Accusation and requested an administrative hearing, to be heard in Sacramento.

II. COMMISSION ACTION ONLY REQUIRED IF THE COMMISSION DESIRES TO PARTICIPATE IN THE ADMINISTRATIVE HEARING

The Chief of Enforcement is recommending an administrative law judge (“ALJ”) conduct the hearing pursuant to Government Code section 11512, subdivision (a). The ALJ will then make a recommendation to the Commission on the findings of fact, law and penalty, if applicable, in the matter. The Commission will then make the final determination on the case.

This memorandum is submitted to each member of the Commission pursuant to California Code of Regulation section 18361.5, subdivision (b), which provides:

If the Enforcement Division determines that a hearing on the merits should be conducted before an administrative law judge alone pursuant to Government Code section 11512(a), the Enforcement Division shall provide a copy of the accusation as well as a memorandum describing the issues involved to each member of the Commission. If, at the next regularly scheduled meeting, two or more Commissioners indicate a desire to participate in the hearing, the matter will be scheduled for a hearing before the Commission when an administrative law judge is available.

Thus, no Commission action is required if the Commission approves the recommendation that the administrative hearing in this matter should be conducted before an ALJ. However, two or more Commissioners may vote to keep the matter with the Commission if so desired.

III. PROCEDURAL HISTORY

The Enforcement Division initiated this administrative action against the Committee and Chin by serving a Report in Support of a Finding of Probable Cause (“PC Report”) on or about September 24, 2020.

In response to the PC Report, Chin requested discovery pursuant to Regulation § 18361.4, subdivision (c)(2). The Enforcement Division provided documents to Chin on November 2, 2020 by email after Chin agreed to be served with the documents electronically. At that time, he did not request a probable cause conference.

On November 13, 2020, the Enforcement Division contacted Chin about serving an Amended Report in Support of a Finding of Probable Cause (“Amended PC Report”) electronically. Chin agreed to electronic service by email on November 16, 2020. The Committee and Chin were served with a copy of the Amended PC Report on November 24, 2020 by email. On or around December 1, 2020, Chin was electronically served with discovery via OneDrive.

On December 28, 2020, Chin stated that he would not be requesting a probable cause conference.

By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served (“Ex Parte Request”) dated January 28, 2021, the Enforcement Division submitted the matter to the Hearing Officer for a determination of probable cause.

On February 2, 2021, the Hearing Officer issued an order finding, based on the Ex Parte Request, the PC Report, and the Amended PC Report, that there was probable cause to believe that the Committee and Chin violated the Act and directed the Enforcement Division to issue an Accusation against the Committee and Chin in accordance with the finding.

On October 28, 2021, the Commission’s Chief of Enforcement Angela J. Brereton issued an Accusation against the Committee and Chin. The Accusation was served upon the Committee and Chin by substituted service. The documents were served to an individual on November 14, 2021 after several attempts to serve Chin and a copy mailed on November 16, 2021. Service of the accusation was effective on November 26, 2021. Chin did not file a Notice of Defense by the deadline of December 11, 2021.

On or around November 27, 2021, Chin executed a proposed stipulation in the matter. The proposed stipulation was presented to the Commission on February 17, 2022 but the Commission voted to reject the stipulation.

On September 26, 2022, the Commission’s Chief of Enforcement Angela J. Brereton issued a First Amended Accusation against the Committee and Chin. The First Amended Accusation was

served upon the Committee and Chin by personal service on September 30, 2022. On October 3, 2022, an electronic copy of the First Amended Accusation was served via email per Chin's request.

On October 11, 2022, Chin signed the Notice of Defense and requested a hearing.

IV. HEARING OPTIONS

Every hearing in a contested case must be presided over by an ALJ. The agency itself shall determine whether the ALJ is to hear the case alone or whether the agency itself is to hear the case with the ALJ.¹

When the agency itself hears the case, the ALJ shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the agency on matters of law; the agency itself shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the ALJ. When the ALJ hears a case, he or she shall exercise all powers relating to the conduct of the hearing. A rule of the ALJ admitting or excluding evidence is subject to review in the same manner and to the same extent as the ALJ's proposed decision in the proceeding.²

V. SUMMARY OF THE ACCUSATION

The Accusation alleges the Respondents violated the Political Reform Act as follows:

Count 1: Prohibited Receipt of Cash

The Committee and Chin deposited at least \$3,500 in cash, in the form of \$100 bills, during the reporting period of January 1, 2016 through June 30, 2016. By depositing cash in denominations of \$100 bills, the Committee and Chin violated Government Code Section 84300.

Count 2: Prohibited Receipt of Cash

The Committee and Chin deposited at least \$500 in cash, in the form of \$100 bills, during the reporting period of July 1, 2016 through September 24, 2016. By depositing cash in denominations of \$100 bills, the Committee and Chin violated Government Code Section 84300.

Count 3: Prohibited Receipt of Cash

The Committee and Chin deposited at least \$500 in cash, in the form of \$100 bills, during the reporting period of January 1, 2017 through June 30, 2017. By depositing cash in denominations of \$100 bills, the Committee and Chin violated Government Code Section 84300.

¹ See Gov't Code § 11512, subd. (a).

² See Gov't Code § 11512, subd. (b).

Count 4: Prohibited Receipt of Cash

The Committee and Chin deposited at least \$4,600 in cash, in the form of \$100 bills, during the reporting period of July 1, 2017 through September 20, 2017. By depositing cash in denominations of \$100 bills, the Committee and Chin violated Government Code Section 84300.

Count 5: Failure to Timely File a Campaign Statement

The Committee and Chin failed to timely file a campaign statement for the reporting period of January 1, 2018 through June 30, 2018, by the deadline of July 31, 2018. By failing to timely file a campaign statement, the Committee and Chin violated Government Code Section 84200.

Count 6: Failure to Timely File a Campaign Statement

The Committee and Chin failed to timely file a campaign statement for the reporting period of July 1, 2018 through December 31, 2018, by the deadline of January 31, 2019. By failing to timely file a campaign statement, the Committee and Chin violated Government Code Section 84200.

VI. CONCLUSION

If, at the next regularly scheduled meeting, two or more Commissioners indicate a desire to participate in the hearing, the matter will be scheduled for a hearing before the Commission when an ALJ is available.³ Otherwise, hearing of this matter will be conducted before an ALJ alone pursuant to Section 11512, subdivision (a).

³ Reg. § 18361.5, subd. (b).

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7

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

11 In the Matter of:) FPPC No. 16/711
12)
13 HANFORD NOW and DAN CHIN) **FIRST AMENDED ACCUSATION**
14)
15 Respondents.)
16) (Gov. Code §§ 11503 and 11507; 1 CCR §1014,
17) subd. (a).
18)
19)
20)
21)
22)

18 Complainant, the Enforcement Division of the Fair Political Practices Commission, after a finding
19 of probable cause pursuant to Government Code Section 83115.5, alleges the following. In accordance
20 with Government Code section 11507 and Title 1, California Code of Regulations section 1014, subd. (a),
21 changes have been highlighted.

22 **JURISDICTION**

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

25 2. The authority to bring this action is derived from Title 2, California Code of Regulations,
26 Sections 18361 and 18361.4, subdivision (g), and the statutory law of the State of California, specifically
27 including, but not limited to, Government Code Sections 83111, 83116, and 91000.5, which assign to the
28

1 Enforcement Division the duty to administer, implement, and enforce the provisions of the Political
2 Reform Act, found at Government Code Sections 81000 through 91014.

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

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

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

12 **RESPONDENTS**

13 6. Respondent, Hanford Now (“Committee”) is registered as a general purpose committee in
14 the City of Hanford.

15 7. Respondent, Dan Chin (“Chin”) serves as the Committee’s treasurer and principal officer.

16 **APPLICABLE LAW**

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

19 **A. Committee**

20 9. Under the Act, “committee” means any person or combination of persons who directly or
21 indirectly receives contributions totaling \$2,000 or more in a calendar year.⁵ This type of committee is
22 known as a recipient committee. Prior to 2016, the threshold to qualify as a committee was \$1,000.⁶

23
24
25 ¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. The regulations of the
26 Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of
27 Regulations.

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

³ Section 81002, subdivision (a).

⁴ Section 81002, subdivision (f).

⁵ Section 82013, subdivision (a).

⁶ Section 82013, subdivision (a) (2014).

1 10. “General purpose committee” means any recipient committee which is formed or exists
2 primarily to support or oppose more than one candidate or ballot measure.⁷ A “city general purpose
3 committee” is a committee to support or oppose candidates or measures voted on in a city election.⁸

4 **B. Prohibited Acceptance of Cash Contributions**

5 11. The Act prohibits committees from making or receiving contributions of \$100 or more.⁹ A
6 cash contribution shall not be deemed received if it is not negotiated or deposited and is returned to the
7 contributor before the closing date of the campaign statement on which the contribution would otherwise
8 be reported.¹⁰

9 **C. Recordkeeping**

10 12. It shall be the duty of the treasurer and principal officer to maintain detailed accounts,
11 records, bills, and receipts necessary to prepare campaign statements, to establish that campaign
12 statements were properly filed, and to otherwise comply with the campaign disclosure provisions of the
13 Act.¹¹

14 13. For contributions received of less than \$25, the accounts and records must contain a
15 continuous computation of campaign account balances and include a listing reflecting the dates and daily
16 totals of the contributions.¹²

17 14. For contributions received of \$25 or more, but less than \$100, the accounts and records
18 must, in addition to a continuous computation of account balances, contain the date received, the amount,
19 and the full name and street address of the contributor. Original source documentation should include all
20 deposit or duplicate deposit slips, contributor cards, letters of transmittals, and notices received from
21 contributors.¹³

22 15. For contributions received of \$100 or more, the accounts and records must include a
23 continuous computation of campaign account balances, including a list reflecting the dates and daily totals
24

25 ⁷ Section 82027.5, subdivision (a).

26 ⁸ Section 82027.5, subdivision (d).

27 ⁹ Section 84300, subdivision (a).

28 ¹⁰ *Id.*

¹¹ Section 84104.

¹² Regulation 18401, subdivision (a)(1).

¹³ Regulation 18401, subdivision (a)(2).

1 of campaign balances, the date the contribution was received, the amount, the full name and street address
2 of the contributor, and the occupation and/or the employer of the contributor. The original source
3 documentation shall include all communications sent by the committee to secure this information.

4 16. A filer has a duty to retain the accounts, records, bills and receipts, and other original source
5 documentation. The filer shall maintain these records for a period of four years following the date the
6 campaign statement to which they relate is filed.¹⁴

7 **D. Duty to File Campaign Statements**

8 17. The Act requires committees and treasurers to file campaign statements at specific times
9 disclosing information regarding contributions received and expenditures made by the committee.¹⁵

10 18. “Period covered” by a campaign statement means the period beginning the day after the
11 closing date of the most recent campaign statement which was required to be filed and ending with the
12 closing date of the statement in question.¹⁶ If a person has not previously filed a campaign statement, the
13 period covered begins on January 1.¹⁷

14 19. Whenever the Act requires that a statement or report be filed prior to or not later than a
15 specified date, and the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline
16 for such a statement or report shall be extended to the next regular business day.¹⁸ This extension does not
17 apply to 24-hour independent expenditure reports.¹⁹

18 20. The Act requires that general purpose committees file semiannual campaign statements
19 each year no later than July 31 for the period ending June 30, and no later than January 31 for the period
20 ending December 31.²⁰

21 **E. Duty to Disclose Contributors**

22
23
24
25 _____
¹⁴ Regulation 18401, subdivision (b).

26 ¹⁵ See Section 84200, *et seq.*

27 ¹⁶ Section 82046, subdivision (b).

28 ¹⁷ *Id.*

¹⁸ Regulation 18116, subdivision (a).

¹⁹ Regulation 18116, subdivision (b)(2).

²⁰ Section 84200.

1 21. If the cumulative amount of contributions received from a person is \$100 or more and a
2 contribution has been received from that person during the period covered by the campaign statement, the
3 statement must disclose the person's full name, street address, occupation, and employer.²¹

4 **F. Joint & Several Liability**

5 22. Under the Act, it is the duty of the treasurer of a controlled committee to ensure that the
6 committee complies with all the requirements of the Act concerning the receipt, expenditure, and
7 reporting of funds.²² The treasurer may be held jointly and severally liable, along with the committee, for
8 violations committed by the committee.²³

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

10 23. In framing a proposed order following a finding of a violation pursuant to Government
11 Code Section 83116, the Commission and the administrative law judge shall consider all the surrounding
12 circumstances including but not limited to the following factors set forth in Regulation 18361.5
13 subdivision (e)(1) through (8): (1) The extent and gravity of the public harm caused by the specific
14 violation; (2) The level of experience of the violator with the requirements of the Political Reform Act;
15 (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence or absence of
16 any intention to conceal, deceive or mislead; (5) Whether the violation was deliberate, negligent or
17 inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission staff or any
18 other governmental agency in a manner not constituting complete defense under Government Code
19 Section 83114(b); (7) Whether the violation was isolated or part of a pattern and whether the violator has
20 a prior record of violations of the Political Reform Act or similar laws; and (8) Whether the violator, upon
21 learning of a reporting violation, voluntarily filed amendments to provide full disclosure.²⁴

22 **GENERAL FACTS**

23 24. On or around July 24, 2014, Chin filed an initial statement of organization with the Hanford
24 City Clerk establishing Hanford Now as a city general purpose committee with its stated purpose being
25 "to support or oppose local candidates and ballot measures." On or around October 1, 2014, Hanford Now
26

27 ²¹ Section 84211, subdivision (f).

²² Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

²³ Sections 83116.5 and 91006.

²⁴ Regulation 18361.5, subdivision (e).

1 and Chin filed a second statement of organization with the Hanford City Clerk to disclose that Hanford
 2 Now qualified as a committee on September 26, 2014 – meaning Hanford Now received \$1,000 or more
 3 in contributions.

4 25. This matter was a Commission-initiated investigation. The investigation determined that
 5 the Committee had accepted large amounts of cash contributions. Bank records showed that a lot of the
 6 cash transactions were accepted in the form of \$100 bills and violated the prohibition on cash
 7 contributions. In addition, the Committee has failed to timely file campaign statements.

8 26. The following chart details the total prohibited cash contributions of \$100 or more that
 9 were accepted by the Committee per campaign reporting period.

Reporting Period	Prohibited cash contributions (in the form of \$100 bills)	Source, as reported on campaign statements	Date of each deposit received	Deposit by date received
01/01/16 – 06/30/16	\$3,500	Not Disclosed – reported as an un-itemized contribution	03/01/16	\$1,000
			03/10/16	\$100
			03/11/16	\$100
			03/14/16	\$100
			03/16/16	\$100
			05/05/16	\$2,100
07/01/16 – 09/24/16	\$500	Not Disclosed – reported as an un-itemized contribution	08/22/16	\$500
01/01/17 – 06/30/17	\$500	Not Disclosed – reported as an un-itemized contribution	06/16/17	\$500
	\$4,600	Dan Chin	07/17/17	\$3,600

Reporting Period	Prohibited cash contributions (in the form of \$100 bills)	Source, as reported on campaign statements	Date of each deposit received	Deposit by date received
07/07/17 – 09/30/17			07/26/17	\$1,000

27. From January 1, 2016 through September 30, 2017, the Committee reported receiving approximately \$23,688. In that same period, records show that the committee accepted and deposited a total of \$9,100 in \$100 bills.

28. As part of the Enforcement Division's investigation, Chin was asked to produce committee records by Special Investigator Ann Flaherty on January 18, 2018, January 30, 2018, February 28, 2018, and March 27, 2018.

29. In response, Chin produced records. However, his record production was not sufficient to fully substantiate the reporting on the campaign statements and it was not compliant with the Act's recordkeeping requirements found in Regulation 18401.

30. Chin asserted on March 28, 2018, that he had provided all the records that he possessed in response to the investigator's requests. Follow up requests were made on March 28, 2018, April 19, 2018, and April 23, 2018.

31. As part of the committee's record production, Chin produced bank statements and bank deposit slips that demonstrate that Chin received and deposited cash contributions in the amount of \$100 or more. For contributions of \$100 or more, Chin was required to maintain detailed records to substantiate the source of the contributions, including the date received, the amount received in total, the name of the contributor, the address and employment of the contributor.

32. The campaign statement for the period of January 1, 2016 through June 30, 2016 reported a total of \$7,752 in unitemized monetary contributions of less than \$100. The remaining itemized contributors were accounted for with other records, including checks. In that reporting period, the bank records show that cash deposits were made, including at least thirty-five (35) \$100 bills were deposited.

1 33. The campaign statement for the period of July 1, 2016 through September 24, 2016
2 reported a total of \$1,560 in unitemized monetary contributions of less than \$100. The remaining reported
3 itemized contributors were accounted for with other records, including checks. In that reporting period,
4 the bank records show that cash deposits were made, including at least five (5) \$100 bills were deposited.

5 34. The campaign statement for the period of January 1, 2017 through June 30, 2017 reported
6 a total of \$1,308 in unitemized monetary contributions of less than \$100 and no other reported itemized
7 contributors. In that reporting period, the bank records show that cash deposits were made, including at
8 least five (5) \$100 bills were deposited.

9 35. The campaign statement for the reporting period of July 1, 2017 through December 31,
10 2017 reports that Chin made at least two monetary contributions to the Committee. The first was for
11 \$3,610, made on July 17, 2017 and the second was for \$1,000, made on July 26, 2017. Bank records show
12 that cash deposits were made, including at least thirty-six (36) \$100 bills on July 17, 2017 and at least ten
13 (10) \$100 bills on July 26, 2017.

14 36. Chin has asserted that the cash was received from individual contributors in amounts less
15 than \$100 and that the \$100 bills were from himself. However, this is not credible because the bank records
16 show that \$100 bills were deposited and this is not consistent with the reporting. In addition to accepting
17 the prohibited cash contributions, the Committee and Chin were required to disclose the names, addresses,
18 and occupation and employers of the individuals who contributed up to the total of \$9,100 received in the
19 form of \$100 bills. In addition, the Committee and Chin should have maintained records to track and
20 identify contributors who gave between \$25 and \$99.

21 37. Chin failed to produce any original records or documentation as to the true source of any
22 of the cash deposits, including the contributions of \$100 bills. For the deposits that Chin attributes to
23 himself, Chin failed to produce any documentation to support his reporting beyond the bank records
24 showing the cash deposits. As Chin failed to maintain or produce records to substantiate the reporting, the
25 true source of the cash deposits is unknown.

26 38. The Committee remains open; however, the Committee has failed to file campaign
27 statements since January 22, 2018.
28

1 39. The Committee and Chin had a duty to file a campaign statement for the reporting period
2 of January 1, 2018 through June 30, 2018 by the deadline of July 31, 2018 but failed to do so.

3 40. The Committee and Chin had a duty to file a campaign statement for the reporting period
4 of July 1, 2018 through December 30, 2018 by the deadline of January 31, 2019 but failed to do so.

5 **PROCEDURAL HISTORY**

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

11 42. Chin was served with the PC Report, individually and on behalf of the Committee, via
12 certified mail on or about September 24, 2020. The information contained in the PC Report packet advised
13 the Committee and Chin that they had 21 days in which to request a probable cause conference, file a
14 written response to the PC Report, or both.

15 43. On or around October 5, 2020, Chin requested discovery of the evidence relied on by the
16 Enforcement Division in the PC Report but did not request a probable cause conference. Chin was served
17 with the Discovery on November 2, 2020 by email. Chin agreed to be served with the documents
18 electronically.

19 44. On or around November 13, 2020, the Enforcement Division contacted Chin about serving
20 an Amended Report in Support of a Finding of Probable Cause (“Amended PC Report”) electronically.
21 In an email dated November 16, 2020, Chin agreed to be served electronically. The Committee and Chin
22 were served with a copy of the Amended PC Report on November 24, 2020 by email. On or around
23 December 1, 2020, Chin was electronically served with Discovery via OneDrive.

24 45. On or around December 28, 2020, Chin stated that he would not be requesting a probable
25 cause conference.

26 46. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an
27 Accusation Be Prepared and Served (“Ex Parte Request”), dated January 28, 2021, the Enforcement
28 Division submitted the matter to the Hearing Officer for a determination of probable cause.

1 47. On or about February 2, 2021, the Hearing Officer issued an order finding, based on the
2 Ex Parte Request, the PC Report, and the Amended PC Report, that there was probable cause to believe
3 the Committee and Chin violated the Act and directed the Enforcement Division to issue an Accusation
4 against the Committee and Chin in accordance with the finding.

5 **VIOLATIONS**

6 48. The Committee and Chin committed 12 violations of the Act as follows:

7 **Count 1**

8 49. Complainant incorporates paragraphs 1 – 48 of this Accusation, as though completely set
9 forth here.

10 50. As a general purpose committee and its treasurer, the Committee and Chin were prohibited
11 from accepting and depositing contributions, made in the form of cash, in amounts of \$100 or more.

12 51. During the reporting period of January 1, 2016 through June 30, 2016, the Committee and
13 Chin deposited at least \$3,500 in cash, in the form of \$100 bills.

14 52. By depositing cash in denominations of \$100 bills, the Committee and Chin violated
15 Government Code Section 84300.

16 **Count 2**

17 53. Complainant incorporates paragraphs 1 – 52 of this Accusation, as though completely set
18 forth here.

19 54. As a general purpose committee and its treasurer, the Committee and Chin were prohibited
20 from accepting and depositing contributions, made in the form of cash, in amounts of \$100 or more.

21 55. During the reporting period of July 1, 2016 through September 24, 2015, the Committee
22 and Chin deposited at least \$500 in cash, in the form of \$100 bills.

23 56. By depositing cash in denominations of \$100 bills, the Committee and Chin violated
24 Government Code Section 84300.

25 **Count 3**

26 57. Complainant incorporates paragraphs 1 – 56 of this Accusation, as though completely set
27 forth here.

1 58. As a general purpose committee and its treasurer, the Committee and Chin were prohibited
2 from accepting and depositing contributions, made in the form of cash, in amounts of \$100 or more.

3 59. During the reporting period of January 1, 2017 and June 30, 2017, the Committee and Chin
4 deposited at least \$500 in cash, in the form of \$100 bills.

5 60. By depositing cash in denominations of \$100 bills, the Committee and Chin violated
6 Government Code Section 84300.

7 **Count 4**

8 61. Complainant incorporates paragraphs 1 – 60 of this Accusation, as though completely set
9 forth here.

10 62. As a general purpose committee and its treasurer, the Committee and Chin were prohibited
11 from accepting and depositing contributions, made in the form of cash, in amounts of \$100 or more.

12 63. During the reporting period of July 7, 2017 through September 30, 2017, the Committee
13 and Chin deposited at least \$4,600 in cash, in the form of \$100 bills.

14 64. By depositing cash in denominations of \$100 bills, the Committee and Chin violated
15 Government Code Section 84300.

16 **Count 5**

17 65. Complainant incorporates paragraphs 1 – 63 of this Accusation, as though completely set
18 forth here.

19 66. As a general purpose committee and its treasurer, the Committee and Chin had a duty to
20 file a campaign statement for the reporting period of January 1, 2018 through June 30, 2018 by the deadline
21 of July 31, 2018.

22 67. The Committee and Chin failed to file a campaign statement for the reporting period of
23 January 1, 2018 through June 30, 2018 by the deadline of July 31, 2018.

24 68. By failing to file a campaign statement for the reporting period of January 1, 2018 through
25 June 30, 2018 by the deadline of July 31, 2018, the Committee and Chin violated Government Code
26 Section 84200.

27
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Count 6

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

70. As a general purpose committee and its treasurer, the Committee and Chin had a duty to file a campaign statement for the reporting period July 1, 2018 through December 31, 2018 by the deadline of January 31, 2019.

71. The Committee and Chin failed to file a campaign statement for the reporting period of July 1, 2018 through December 31, 2018 by the deadline of January 31, 2019.

72. By failing to file a campaign statement for the reporting period of July 1, 2018 through December 31, 2018 by the deadline of January 31, 2019, the Committee and Chin violated Government Code Section 84200.

MITIGATING OR EXCULPATORY FACTORS

73. Chin was somewhat cooperative with investigators, as he voluntarily complied with several document requests. Later in the investigation, Chin ceased to communicate or cooperate with the investigation, including refusing to appear for an interview.

AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS

74. Chin is an experienced public official, having served in office and having run the Committee as its principal officer and treasurer since at least 2014.

75. On November 5, 2014, in FPPC No. 2014-1167, the Enforcement Division issued a warning letter to the Committee and Chin for failing to designate as a primarily formed ballot measure committee opposed to a local measure.

76. The cash violations demonstrate a pattern of activity, with repeated instances of accepting and depositing of large cash contributions. The Committee and Chin failed to maintain or produce adequate documentation regarding this large receipt of cash contributions. As such, the true source of many of these cash contributions cannot be substantiated or verified.

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PRAYER

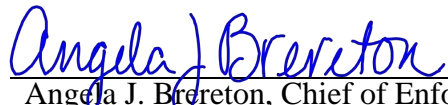
WHEREFORE, Complainant prays as follows:

1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and Regulation 18361.5, and at such hearing find that the Committee and Chin violated the Act as alleged herein;
2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee and Chin to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 1**;
3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee and Chin to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 2**;
4. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee and Chin to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 3**;
5. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee and Chin to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 4**;
6. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee and Chin to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 5**;
7. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee and Chin to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 6**;
8. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision (e), consider the following factors in framing a proposed order following a finding of a violation pursuant to Section 83116: (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

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

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

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12 Dated: 9/26/2022


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