

1 GALENA WEST  
Chief of Enforcement  
2 DAVE BAINBRIDGE  
Assistant Chief of Enforcement  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
4 428 J Street, Suite 620  
Sacramento, CA 95814  
Telephone: (916) 322-5660  
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant  
7

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9 STATE OF CALIFORNIA  
10

11 In the Matter of

12  
13 JAMES YODER,

14  
15 Respondent.  
16

) FPPC No.: 15/318

)  
) DEFAULT DECISION AND  
) ORDER

) (Government Code Sections 11506  
) and 11520)

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,<sup>1</sup> James Yoder ("Yoder") has been served  
21 with all of the documents necessary to conduct an administrative hearing regarding the above-captioned  
22 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 5. Copies of Sections 11506, 11507.5, 11507.6 and 11507.7 of the Government Code.

28 <sup>1</sup> The California Administrative Procedure Act, which governs administrative adjudications, is contained in sections 11370 through 11529 of the Government Code.

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

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

13  
14 Dated: 29 Nov 16



Galena West, Chief of Enforcement  
Fair Political Practices Commission

**ORDER**

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The Commission issues this Default Decision and Order and imposes an administrative penalty of \$4,000 (Four Thousand Dollars) upon Yoder, payable to the "General Fund of the State of California."

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

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

\_\_\_\_\_  
Joann Remke, Chair  
Fair Political Practices Commission

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent James Yoder (“Yoder”) was an Alternate Member of the County of Glenn Transportation Commission from January 23, 2015 through December 31, 2015.

The Political Reform Act (the “Act”)<sup>1</sup> requires designated officials to file an Assuming Office Statement of Economic Interests (“SEI”). This matter arose out of a non-filer referral sent to the Fair Political Practices Commission’s (the “Commission”) Enforcement Division by the County of Glenn Elections Department for Yoder’s failure to file an Assuming Office SEI.

As a designated official with the County of Glenn Transportation Commission, Yoder had a duty to file an Assuming Office SEI by February 23, 2015. Yoder failed to file an Assuming Office SEI by the February 23, 2015 deadline.

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

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

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

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

<sup>2</sup> Section 83116.

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

<sup>4</sup> Section 11503.

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

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

## PROCEDURAL REQUIREMENTS AND HISTORY

### A. Initiation of the Administrative Action

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

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

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

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

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Yoder in this matter by serving him with a Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by certified mail, return receipt requested,<sup>12</sup> on April 11, 2016. (Certification, Exhibit A-2.) The administrative action commenced on April 12, 2016, the date the certified mail receipt was signed (Certification, Exhibit A-2), and the five-year statute of limitations was effectively tolled on this date.

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

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

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

<sup>9</sup> Section 83115.5.

<sup>10</sup> Section 83115.5.

<sup>11</sup> Section 91000.5.

<sup>12</sup> Section 83115.5.

As required by Section 83115.5, the packet served on Yoder contained a cover letter and a memorandum describing probable cause proceedings, advising that Yoder 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.) Yoder neither requested a probable cause conference nor submitted a written response to the Report.

**B. Ex Parte Request for a Finding of Probable Cause**

Because Yoder 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 June 28, 2016. (Certification, Exhibit A-4.)

On June 30, 2016, Hearing Officer Jack Woodside, Senior Commission Counsel, Legal Division issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Yoder. (Certification, Exhibit A-5.)

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

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

Section 11503 states:

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

Upon the filing of the accusation, the agency must 1) serve a copy thereof on the respondent as provided in Section 11505, subdivision (c); 2) include a post card or other form entitled Notice of Defense that, when signed by or on behalf of the respondent and returned to the agency, will

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

acknowledge service of the accusation and constitute a notice of defense under Section 11506; 3) include (i) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and that failure to do so will constitute a waiver of the respondent's right to a hearing, and (ii) copies of Sections 11507.5, 11507.6, and 11507.7.<sup>14</sup> The APA also sets forth the language required in the accompanying statement to the respondent.<sup>15</sup>

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

On October 7, 2016, the Commission's Chief of Enforcement, Galena West, issued an Accusation against Yoder in this matter. (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, copies of Government Code Sections 11506, 11507.5, 11507.6 and 11507.7 were personally served on October 12, 2016. (Certification, Exhibit A-8.)

Along with the Accusation, the Enforcement Division served Yoder with a "Statement to Respondent," which notified him that he 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, he would be deemed to have waived the right to a hearing. (Certification, Exhibit A-7.) Yoder did not file a Notice of Defense within the statutory time period, which ended on October 27, 2016.

As a result, on November 28, 2016, Assistant Chief of Enforcement Dave Bainbridge sent a letter to Yoder advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for December 15, 2016. (Certification, Exhibit A-19.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

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

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, so that conflicts of interests may be avoided.<sup>17</sup> In furtherance of this purpose, the Act requires every state agency to adopt and promulgate a conflict of interest code, and any violation of such a code is deemed a violation of the Act.<sup>18</sup>

An agency's conflict of interest code must specifically designate the positions within the agency that are required to file SEIs that disclose reportable investments, business positions,

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

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

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

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

<sup>18</sup> Section 87300.

COUNT 1

**Failure to Timely File an Assuming Office Statement of Economic Interests by February 23, 2015**

Yoder had a duty to file an Assuming Office SEI by February 23, 2015. By failing to timely file this statement, Yoder violated Government Code Section 87300.

**CONCLUSION**

This matter consists of one count of violating the Act, which carries a maximum administrative penalty of \$5,000.<sup>23</sup>

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors set forth in Regulation 18361.5 subdivision (d)(1) through (6): (1) The seriousness of the violation; (2) The presence or absence of any intention to conceal, deceive or mislead; (3) Whether the violation was deliberate, negligent or inadvertent; (4) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code section 83114(b); (5) 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 (6) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

In this matter, Yoder failed to file a Statement of Economic Interests. The failure to comply with this obligation denied the public information about his financial activities and potential conflicts of interest.

The County of Glenn Elections Department and the Enforcement Division have made numerous requests that Yoder file the outstanding SEI, but Yoder has never complied. Yoder is fully aware of his obligation to file as he has received six written notifications regarding the outstanding SEI at issue in this matter and was obligated to file SEIs when he was a Member of the Glenn County Transportation Committee. As a Member of the Glenn County Transportation Committee, Yoder filed four SEIs, three of which were late.

Yoder previously received a warning letter from the Enforcement Division for his failure to timely file a Leaving Office SEI (FPPC No. 11/697), and was fined by the Glenn County Elections Department for his failure to timely file a Leaving Office SEI. He filed a Leaving Office SEI after receiving the warning letter.

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<sup>23</sup> Section 83116, subd. (c).



Yoder left office on December 31, 2015, which was within one year of assuming office. He filed a Leaving Office SEI on April 4, 2016.

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

- *In the Matter of James McGhee*, FPPC No. 12/321. (Commission approved a default decision on April 17, 2014.) The respondent, a former member of the California Board of Psychology, failed to timely file a Leaving Office SEI. McGhee had previously been fined by the Commission for failing to timely file an SEI. The Commission imposed a penalty of \$4,000.
- *In the Matter of Jocelyn Woodard*, FPPC No. 12/527. (Commission approved a default decision on September 19, 2013.) The respondent, a former member of the County of Los Angeles Commission on HIV, failed to timely file an Annual SEI despite numerous notifications regarding her filing duty. Because the respondent was no longer in office and did not have prior enforcement history with the Commission, the Commission imposed a penalty of \$4,000.

This matter is similar to both cases in that Yoder is well aware of his obligation to file an SEI, but is no longer in office. Although Yoder has not been fined previously by the Enforcement Division, he has previously received a warning letter, which is similar to the facts of *McGhee*.

#### **PROPOSED PENALTY**

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

**EXHIBIT A**



**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 a Staff Services Analyst by the California Fair Political Practices Commission (Commission). My business address is: California Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814.
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. 15/318; James Yoder*, 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: Copy of Report in Support of a Finding of Probable Cause.

EXHIBIT A-2: Copy of Proof of Service for the Report in Support of a Finding of Probable Cause.

EXHIBIT A-3: Copy of cover letter regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations.

EXHIBIT A-4: Copy of Ex Parte Request for a Finding of Probable Cause.

EXHIBIT A-5: Copy of Finding of Probable Cause and Order to Prepare and Serve an Accusation and Proof of Service.

- EXHIBIT A-6: Copy of Accusation.
- EXHIBIT A-7: Copy of Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents.
- EXHIBIT A-8: Copy of Proof of Service for Accusation and accompanying documents from process server.
- EXHIBIT A-9: Letter from County of Glenn Elections Department to James Yoder; February 3, 2015.
- EXHIBIT A-10: Letter from County of Glenn Elections Department to James Yoder; March 4, 2015.
- EXHIBIT A-11: Letter from County of Glenn Elections Department to James Yoder; March 25, 2015.
- EXHIBIT A-12: Letter from County of Glenn Elections Department to James Yoder; April 27, 2015.
- EXHIBIT A-13: Letter from County of Glenn Elections Department referring James Yoder as an SEI non-filer to the Enforcement Division, May 11, 2015.
- EXHIBIT A-14: Letter from the Enforcement Division to James Yoder; July 15, 2015.
- EXHIBIT A-15: Letter from the Enforcement Division to James Yoder; August 21, 2015.
- EXHIBIT A-16: E-mails between Enforcement Division staff and James Yoder; August 2, 2016.
- EXHIBIT A-17: E-mails between Enforcement Division staff and James Yoder; August 24, 2016.
- EXHIBIT A-18: Email from Enforcement Division staff to James Yoder; September 28, 2016.
- EXHIBIT A-19: Copy of Notice of Intent to Enter into Default Decision and Order.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 29, 2016, at Sacramento, California.

  
Kathryn Trumbly  
Staff Services Analyst, Enforcement Division  
Fair Political Practices Commission

**EXHIBIT A-1**

1 GALENA WEST  
Chief of Enforcement  
2 DAVE BAINBRIDGE  
Assistant Chief of Enforcement  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Telephone: (916) 322-5660  
5 Facsimile: (916) 322-1932

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

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

11 In the Matter of ) FPPC No. 15/318  
12 ) **REPORT IN SUPPORT OF A FINDING OF**  
13 **JAMES YODER,** ) **PROBABLE CAUSE**  
14 ) Conference Date: TBA  
15 ) Conference Time: TBA  
16 ) Conference Location: Commission Offices  
Respondent. ) 428 J Street, Suite 620  
 ) Sacramento, CA 95814  
17 )

18 **INTRODUCTION**

19 Respondent James Yoder is currently an Alternate Member on the County of Glenn  
20 Transportation Commission. The County of Glenn's Conflict of Interest Code requires Transportation  
21 Commission Members to periodically file a Statement of Economic Interests ("SEI") disclosing all  
22 relevant economic interests. Yoder failed to file an Assuming Office SEI due February 23, 2015.

23 **SUMMARY OF THE LAW**

24 All legal references and discussions of law pertain to the Act's provisions as they existed in  
25 2015.  
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1 Jurisdiction

2 The Fair Political Practices Commission (the "Commission") has administrative jurisdiction to  
3 enforce the provisions of the Act.<sup>1</sup>

4 Probable Cause Proceedings

5 Prior to the Enforcement Division commencing an administrative action, the General Counsel of  
6 the Commission or her designee (the "hearing officer"), must make a finding that there is probable  
7 cause to believe the respondent has violated the Act.<sup>2</sup> After a finding of probable cause, the  
8 Commission may hold a noticed hearing in accordance with the Administrative Procedure Act<sup>3</sup> to  
9 determine whether violations occurred, and levy an administrative penalty of up to \$5,000 for each  
10 violation.<sup>4</sup>

11 Standard for Finding Probable Cause

12 To make a finding of probable cause, the hearing officer must be presented with sufficient  
13 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,  
14 that a respondent committed or caused a violation.<sup>5</sup>

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

16 When enacting the Political Reform Act, the people of the state of California found and  
17 declared that previous laws regulating political practices suffered from inadequate enforcement by state  
18 and local authorities.<sup>6</sup> To that end, the Act must be liberally construed to achieve its purposes.<sup>7</sup>

19 One central purpose of the Act is to increase transparency and decrease conflicts of interest in  
20 the actions of public officials by requiring disclosure of their financial interests.<sup>8</sup> Another is to provide  
21 adequate enforcement mechanisms so that the Act will be "vigorously enforced."<sup>9</sup>

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

26 <sup>2</sup> Section 83115.5, and Regulations 18361 and 18361.4.

27 <sup>3</sup> Section 11500, et seq.

28 <sup>4</sup> Section 83116, and Regulation 18361.4, subd. (e).

<sup>5</sup> Section 18361.4, subd. (e).

<sup>6</sup> Section 81001, subd. (h).

<sup>7</sup> Section 81003.

1 Conflict of Interest Codes

2 Section 87300 of the Act requires every state and local agency to develop a Conflict of Interest  
3 Code. These codes must designate those officials who participate in making decisions which may  
4 foreseeably have a material financial effect on any financial interest belonging to that official, and  
5 require those designated officials to disclose all reportable interests on SEIs.<sup>10</sup> Failure to comply with  
6 an agency's conflict of interest code is a violation of the Act.<sup>11</sup>

7 The County of Glenn Conflict of Interest Code

8 The County of Glenn Conflict of Interest Code designates Alternate Members on the County of  
9 Glenn Transportation Commission as a position that is required to file SEIs. The County of Glenn Code  
10 requires designated officials to file an Assuming Office SEI within 30 days of taking office.

11 Liability for Violations

12 Any person who violates any provision of the Act, who purposely or negligently causes any  
13 other person to violate any provision of the Act, or who aids and abets any other person in the violation  
14 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>12</sup>

15 **SUMMARY OF THE EVIDENCE**

16 Yoder became an Alternate Member on the Glenn County Transportation Commission on  
17 January 23, 2015. There is no record of Yoder filing his required SEI.

18 Before referring the case to the Enforcement Division, the Glenn County Elections Department  
19 notified Yoder five times regarding his duty to file the outstanding SEI. These notifications were sent  
20 on February 3, 2015, March 4, 2015, March 25, 2015 and April 27, 2015 via letter. After Yoder did not  
21 respond, the Glenn County Elections Department referred the matter to the Enforcement Division.

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25 <sup>8</sup> Section 81002, subd. (c)

<sup>9</sup> Section 81002, subd. (f).

<sup>10</sup> Section 87302, subd. (b).

<sup>11</sup> Section 87300

<sup>12</sup> Sections 83116, and 83116.5.



1 The Enforcement Division attempted to contact Yoder by letters sent July 15, 2015 and August  
2 21, 2015 and by telephone September 16, 2015 and March 14, 2016 regarding his outstanding SEI.  
3 Yoder did not respond.

4 As of March 29, 2016, Yoder has not filed his outstanding SEI.

### 5 VIOLATIONS

#### 6 Count 1: Failure to File an Assuming Office SEI

7 Yoder failed to file an Assuming Office SEI within 30 days of taking his position in violation of  
8 Sections 87300 and 87302.

### 9 OTHER RELEVANT MATERIAL

10 Yoder has failed to file the outstanding SEI despite numerous contacts. Additionally, Yoder is  
11 aware of the Act's filing obligations because Yoder is a former Member of the Glenn County  
12 Transportation Committee and was obligated to file SEIs. As a Member of the Glenn County  
13 Transportation Committee, Yoder filed four SEIs, three of which were filed late. Additionally, Yoder  
14 has previously received a warning letter from the FPPC for his failure to timely file a Leaving Office  
15 SEI (FPPC No. 11/697). However, Yoder filed the delinquent Leaving Office SEI after receiving the  
16 warning letter.

### 17 EXCULPATORY OR MITIGATING INFORMATION

18 The Enforcement Division is not aware of any relevant exculpatory or mitigating information.  
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**CONCLUSION**

Probable cause exists to believe that James Yoder violated the Act by failing to file an Assuming Office SEI. The Enforcement Division respectfully requests an order finding probable cause pursuant to Section 83115.5 and Regulation 18361.4.

Dated: April 11, 2016

Respectfully Submitted,

**FAIR POLITICAL PRACTICES COMMISSION**  
Galena West  
Enforcement Chief



By: Dave Bainbridge  
Assistant Chief  
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, 428 J Street, Suite 620, Sacramento, California 95814. On April 11, 2016, I served the following document(s):

1. Letter dated April 11, 2016 from Dave Bainbridge;
2. FPPC No. 15/318 Report in Support of a Finding of Probable Cause;
3. Probable Cause Fact Sheet
4. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings

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

X 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

James Yoder  
679 N. Murdock  
Willows, CA 95988

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on April 11, 2016

  
Elizabeth Enca

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James Yoder



9590 9403 0234 5146 5238 35

2. Article Number (Transfer from service label)

7012 3460 0000 2695 7312

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

*[Signature]*

C. Date of Delivery

7/17/16

- 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®
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Fair Political Practices Commission  
Enforcement Division  
420 J street, Suite 620  
Sacramento, CA 95814-2329

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**EXHIBIT A-3**



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

April 11, 2016

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

James Yoder  
[REDACTED]

**In the Matter of James Yoder; FPPC No. 15/318**

Dear Mr. Yoder:

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 correspondence dated August 21, 2015 and July 15, 2015. The enclosed Report in Support of a Finding of Probable Cause (the "Report") contains a summary of the alleged violations and the relevant law and evidence.

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the Commission's General Counsel (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 428 J Street, Ste. 620, Sacramento, CA 95814. 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: probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. *If you are interested in reaching a settlement in this matter, please contact Elizabeth Enea at (916) 322-7050 or [eenear@fppc.ca.gov](mailto:eenear@fppc.ca.gov).*

Finally, you have the right to request discovery of the evidence in possession of, and relied upon by, the Enforcement Division. *This request must also be filed with the Commission Assistant within 21 days from the date of service of this letter.* Should you request discovery, the Enforcement Division will provide the evidence by service of process or certified mail. From the date you are served with the evidence, you would have an additional 21 days to file a written response to the Report, just as described above.

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

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

Sincerely,

A large black rectangular redaction box covers the signature area.

Dave Bainbridge  
Assistant Chief of Enforcement

Enclosures (3)

DB:ee



## PROBABLE CAUSE FACT SHEET

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### INTRODUCTION

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

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

### THE LAW

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

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

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

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

### THE PROCEDURE

#### Probable Cause Report

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

## **Discovery**

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

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

## **Response to Probable Cause Report**

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

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

## **Staff Reply**

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

## **Probable Cause Conference**

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

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

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

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

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

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

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

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

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

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

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

#### **Continuances**

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

#### **Settlements**

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

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

#### **CONCLUSION**

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

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

## CALIFORNIA GOVERNMENT CODE

### Probable Cause Statutes

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

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

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

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

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

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

**Probable Cause Regulations**

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

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

**§ 18361.4. Probable Cause Proceedings**

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

#### **§ 18362. Access to Complaint Files**

(a) Access to complaints, responses thereto, and investigative files and information shall be granted in accordance with the requirements of the Public Records Act (Government Code Section 6250, et seq.).

(b) When release of material is requested pursuant to subdivision (a), the Executive Director, or his or her designee, shall review the material prior to its release or prior to a claim of exemption to determine that the requirements of the Public Records Act have been satisfied.

(c) Any person requesting copies of material pursuant to subdivision (a) shall reimburse the Commission \$0.10 per page for each page copied or supply copying equipment and make copies in the offices of the Commission. Documents may not be removed from the offices of the Commission. If the request is for copies totaling ten pages or less, the copies shall be provided without charge for copying since the administrative costs do not warrant collection of \$1.00 or less. If the request is for copies totaling more than ten pages, reimbursements of copying costs shall include the cost for the first ten pages. Charges imposed pursuant to this subdivision are for the purpose of recovering the cost of copying.

(d) Requests for access and copies pursuant to subdivision (a) shall be made in writing and shall specifically identify the documents sought.

#### **§ 18361.2. Memorandum Respecting Civil Litigation.**

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

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

(1) Initiate civil litigation.

(2) Decide whether probable cause proceedings should be commenced pursuant to 2 Cal. Code of Regulations Section 18361.4.

(3) Return the matter to the staff for further investigation.

(4) Take no further action on the matter or take any other action it deems appropriate.

(c) If the Commission decides to initiate civil litigation, the Commission may then permit other members of the staff to attend the executive session.

(d) If the Executive Director deems it necessary, he or she may call a special meeting of the Commission to review a staff memorandum recommending the initiation of civil litigation.

(e) It is the intent of the Commission in adopting this section to preserve for the members of the Commission the authority to decide whether alleged violations should be adjudicated in administrative hearings or in civil litigation, while at the same time avoiding the possibility that discussions with members of the staff might cause members of the Commission to prejudge a case that might be heard by the Commission under Government Code Section 83116.



**EXHIBIT A-4**

GALENA WEST  
Chief of Enforcement  
DAVE BAINBRIDGE  
Assistant Chief of Enforcement  
FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 620  
Sacramento, CA 95814  
Telephone: (916) 322-5660  
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of

JAMES YODER,

Respondent.

) FPPC No. 15/318

)  
) EX PARTE REQUEST FOR A FINDING OF  
) PROBABLE CAUSE AND AN ORDER THAT  
) AN ACCUSATION BE PREPARED AND  
) SERVED

) Gov. Code § 83115.5  
)  
)

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

Pursuant to Section 83115.5 of the Political Reform Act (the "Act")<sup>1</sup> and Regulation 18361.4, Respondent James Yoder ("Yoder") was served with a copy of a report in support of a finding of probable cause ("Report") on or before April 12, 2016, in the above-entitled matter.<sup>2</sup> The Report, attached as "Exhibit A," was part of a packet of materials, including a cover letter and a memorandum describing probable cause proceedings, which was sent to Yoder on April 11, 2016, by certified mail, with a return receipt requested, and received by Yoder on or before April 12, 2016. A copy of the signed return receipt is attached as "Exhibit B".

In the cover letter dated April 11, 2016, and the attached materials, Yoder was advised that he could respond in writing to the Report and orally present the case to the Hearing Officer at a probable

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

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

1 cause conference to be held in Sacramento. Yoder was further advised that to have a probable cause  
2 conference he needed to make a written request for a conference on or before 21 days of the date he  
3 received the Report. Additionally, Yoder was advised that if he did not request a probable cause  
4 conference, such a conference would not be held and probable cause would be determined based solely  
5 on the Report and any written response that he submitted within 21 days of the date he was served with  
6 the Report. To date, Yoder has not submitted a written response or requested a probable cause  
7 conference.

8 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by  
9 the Hearing Officer that probable cause exists to believe that Yoder committed four violations of the  
10 Act, stated as follows:

11 Count 1: Failure to File an Assuming Office SEI

12 Yoder failed to file an Assuming Office SEI within 30 days of taking his position in violation of  
13 Sections 87300 and 87302.

14 Additionally, after finding probable cause exists, the Enforcement Division requests an order by  
15 the Hearing Officer that an accusation be prepared against Yoder and served upon him.<sup>3</sup>

16 A copy of this Request was mailed via U.S. Mail to Yoder on May 31, 2016, at the last known address,  
17 as follows:

18 James Yoder  
19 679 N. Murdock  
20 Willows, CA 95988

21 Dated: June 28, 2016

Respectfully Submitted,

**FAIR POLITICAL PRACTICES COMMISSION**

Galena West  
Chief of Enforcement



By: Dave Bainbridge  
Assistant Chief  
Enforcement Division

22  
23  
24  
25  
26  
27 <sup>3</sup> Gov. Code § 11503.

**EXHIBIT A-5**

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3 In the Matter of

) FPPC No. 15/318

4 JAMES YODER,

)  
)  
) FINDING OF PROBABLE CAUSE AND  
) ORDER TO PREPARE AND SERVE AN  
) ACCUSATION

6 Respondent.

) Gov. Code § 83115.5  
)  
)

7  
8  
9 By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an  
10 Accusation be Prepared and Served, dated June 28, 2016, the Enforcement Division submitted the  
11 above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the  
12 Ex Parte Request For a Finding of Probable Cause and an Order that an Accusation be Prepared and  
13 Served (Ex Parte Request), the Enforcement Division served a Report in Support of a Finding of  
14 Probable Cause (PC Report) on Respondent James Yoder concerning this matter on or before April 12,  
15 2016, by certified mail, return receipt requested. Accompanying the PC Report was a packet of materials  
16 that informed Yoder of his right to file a written response to the PC Report and to request a probable  
17 cause conference within 21 days following service of the PC Report. During the 21 days that followed  
18 service of the PC Report, Yoder did not file a response to the PC Report or request a probable cause  
19 conference. Pursuant to California Code of Regulations title 2, section 18361.4, determination of  
20 probable cause may be made solely on papers submitted when the respondent does not request a  
21 probable cause conference.<sup>1</sup>

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

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

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

4 The PC Report served on Yoder and the subsequent Ex Parte Request in this matter alleges a  
5 violation of the Political Reform Act was committed, as follows:

6 Count 1: Failure to File an Assuming Office SEI

7 Yoder failed to file an Assuming Office SEI within 30 days of taking his position in violation of  
8 Sections 87300 and 87302.

9 Based on the Ex Parte Request given to me, I find that notice has been given to Yoder.<sup>3</sup> I further  
10 find, based on the PC Report and the Ex Parte Request, that there is probable cause to believe Yoder  
11 violated the Political Reform Act as alleged in Count 1, as identified above.

12 I therefore direct that the Enforcement Division issue an accusation against Yoder in accordance  
13 with this finding.

14 IT IS SO ORDERED.

15 Dated: 6-30-16



17 Jack Woodside, Hearing Officer  
Fair Political Practices Commission

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

28 <sup>3</sup> Government Code § 83115.5; Cal. Code Reg., tit. 2, § 18361.4, subd. (b).

FPPC No. 15/318, In the matter of James Yoder

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, 428 J Street, Suite 620, Sacramento, CA 95814. On the date below, I served the following document:

FINDING OF PROBABLE CAUSE AND ORDER TO PREPARE AND SERVE AN ACCUSATION

MANNER OF SERVICE

(U.S. Mail) By causing a true copy thereof to be served on the parties in this action through the U.S. Mail and addressed as listed below. I am familiar with the procedure of the Fair Political Practices Commission for collection and processing of correspondence for mailing with the United States Postal Service, and the fact that the correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

SERVICE LIST

Mr. James Yoder  


(By Personal Service) On Friday, July 1, 2016, at approximately 1:45 p.m., I personally served:

Galena West, Chief of Enforcement, at 428 J Street, Suite 700, Sacramento, CA 95814.  
Dave Bainbridge, Assistant Chief of Enforcement, at 428 J Street, Suite 700, Sacramento, CA 95814.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document is executed at Sacramento, California, on July 1, 2016.

  
Sheva Tabatabaiejad

**EXHIBIT A-6**



1 GALENA WEST  
Chief of Enforcement  
2 DAVE BAINBRIDGE  
Assistant Chief of Enforcement  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Telephone: (916) 322-5660  
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

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

10  
11 In the Matter of ) FPPC No. 15/318  
12 )  
13 JAMES YODER, ) **ACCUSATION**  
14 )  
15 Respondent. ) (Gov. Code §11503)  
16 )  
17 )

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

20 **JURISDICTION**

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

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

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

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

6           5.       One of the stated purposes of the Act is to ensure that the assets and income of public  
7 officials that may be materially affected by their official actions be disclosed so that conflicts of interest  
8 may be avoided.<sup>3</sup> In furtherance of this purpose, the Act requires every state and local agency to adopt  
9 and promulgate a conflict of interest code.<sup>4</sup>

#### 10                               RESPONDENT

11           6.       Respondent James Yoder ("Yoder") was an Alternate Member on the County of Glenn  
12 Transportation Commission.

#### 13                               APPLICABLE LAW

14           7.       All applicable law in this Accusation is the law as it existed during the relevant time for  
15 the violation alleged.

#### 16 **A.     Duty to File Annual Statements of Economic Interests**

17           8.       Every state and local government agency must adopt a conflict of interest code that requires  
18 public officials whose positions are designated in the conflict of interest code to file periodic statements  
19 of economic interests.<sup>5</sup> A "designated employee" includes any member of any agency whose position is  
20 "designated in a Conflict of Interest Code because the position entails the making or participation in the  
21 making of decisions which may foreseeably have a material effect on any financial interest."<sup>6</sup>

22           9.       The requirements of an agency's conflict of interest code have the force of law, and any  
23 violation of those requirements is deemed a violation of the Act.<sup>7</sup>

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

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

27 <sup>3</sup> Section 81002, subd. (c).

28 <sup>4</sup> Section 87300.

<sup>5</sup> Sections 87300 and 87302.

<sup>6</sup> Section 82019.

<sup>7</sup> Section 87300.

1 10. The County of Glenn's Conflict of Interest Code designates Alternate Member of the  
2 Transportation Commission as a position that is required to file SEIs. The County of Glenn's Code  
3 requires designated officials to file an Assuming Office SEI within 30 days of taking office.

4 **C. Factors to be Considered by the Fair Political Practices Commission**

5 11. In framing a proposed order following a finding of a violation pursuant to Section 83116,  
6 the Commission and the administrative law judge shall consider all the surrounding circumstances  
7 including but not limited to: (1) The seriousness of the violation; (2) The presence or absence of any  
8 intention to conceal, deceive or mislead; (3) Whether the violation was deliberate, negligent or inadvertent;  
9 (4) Whether the violator demonstrated good faith by consulting the Commission staff or any other  
10 government agency in a manner not constituting a complete defense under Section 83114(b); (5) Whether  
11 the violation was isolated or part of a pattern and whether the violator has a prior record of violations of  
12 the Act or similar laws; and (6) Whether the violator, upon learning of a reporting violation, voluntarily  
13 filed amendments to provide full disclosure.<sup>8</sup>

14 **GENERAL FACTS**

15 12. As an Alternate Member of the Transportation Commission, Yoder was required to file an  
16 Assuming Office SEI with the County of Glenn Elections Department by the February 23, 2015 deadline.  
17 Yoder failed to file his Assuming Office by the February 23, 2015 deadline.

18 13. Yoder left office on December 31, 2015 and filed a Leaving Office SEI with the County of  
19 Glenn Elections Department on April 4, 2016.

20 14. As of October 3, 2016, Yoder has not filed his Assuming Office SEI with the County of  
21 Glenn Elections Department.

22 **PROCEDURAL HISTORY**

23 15. Before referring the case to the Enforcement Division, the County of Glenn Elections  
24 Department sent four letters to Yoder dated February 3, 2015, March 4, 2015, March 25, 2015, and April  
25 27, 2015 regarding his obligation to file. After Yoder did not respond, the County of Glenn Elections  
26 Department referred the matter to the Enforcement Division.

27  
28 <sup>8</sup> Reg. 18361.5, subd. (d).

1 16. The Enforcement Division attempted to contact Yoder by U.S. mail on July 15, 2015 and  
2 August 21, 2015; by telephone September 16, 2015, March 14, 2016, and August 24, 2016; and by email  
3 on August 2, 2016, August 24, 2016, and September 28, 2016.

4 17. As of October 3, 2016, Yoder has not filed an Assuming Office SEI.

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

10 19. Yoder was served via certified on April 12, 2016 with the PC Report. The information  
11 contained in the PC Report packet advised Yoder that he had 21 days in which to request a probable cause  
12 conference and/or to file a written response to the PC Report. As of the date of this Accusation, Yoder has  
13 not responded to the PC Report.

14 20. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an  
15 Accusation Be Prepared and Served (“Ex Parte Request”), dated June 28, 2016, the Enforcement Division  
16 submitted the matter to the Hearing Officer for a determination of probable cause.

17 21. On or about June 30, 2016, the Hearing Officer issued an order finding, based on the Ex  
18 Parte Request and the PC Report, that there was probable cause to believe Yoder violated the Act and  
19 directed the Enforcement Division to issue an accusation against Yoder in accordance with the finding.

20 **VIOLATION**

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

23 23. Yoder, as an Alternate Member on the County of Glenn Transportation Commission, had  
24 a duty under the Act and the County of Glenn’s Conflict of Interest Code to file an Assuming Office SEI  
25 within 30 days of taking his position. Yoder failed to file an Assuming Office SEI within 30 days of taking  
26 his position, in violation of Sections 87300 and 87302.

27 ///  
28 ///

1 **MITIGATING OR EXCULPATORY FACTORS**

2 24. Yoder left office on December 31, 2015, which was within one year of assuming office.  
3 He filed a Leaving Office SEI on April 4, 2016.

4 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

5 25. Yoder failed to file his Assuming Office SEI despite numerous contacts regarding this  
6 violation.

7 26. Yoder is aware of the Act's filing obligations because Yoder is a former Member of the  
8 Glenn County Transportation Committee and was obligated to file SEIs. As a Member of the Glenn  
9 County Transportation Committee, Yoder has filed four SEIs, three of which were filed late.

10 27. Yoder has previously received a warning letter from the FPPC for his failure to timely file  
11 a Leaving Office SEI (FPPC No. 11/697). He filed the delinquent Leaving Office SEI after receiving the  
12 warning letter.

13 **PRAYER**

14 WHEREFORE, Complainant prays as follows:

- 15 1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and  
16 Regulation 18361.5, and at such hearing find that James Yoder violated the Act as alleged  
17 herein;
- 18 2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
19 order Yoder to pay a monetary penalty of at least \$1,000 and not more than \$5,000 for the  
20 violation of the Political Reform Act alleged herein;
- 21 3. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision  
22 (d), consider the following factors in framing a proposed order following a finding of a  
23 violation pursuant to Section 83116: (1) the seriousness of the violation; (2) the presence or  
24 absence of any intention to conceal, deceive or mislead; (3) whether the violation was  
25 deliberate, negligent or inadvertent; (4) whether the violator demonstrated good faith by  
26 consulting the Commission staff or any other government agency in a manner not  
27 constituting a complete defense under Section 83114, subdivision (b); (5) whether the  
28 violation was isolated or part of a pattern and whether the violator has a prior record of

1 violations of the Act or similar laws; and (6) whether the violator, upon learning of a  
2 reporting violation, voluntarily filed amendments to provide full disclosure.

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

5  
6  
7 Dated: 7 Oct 16

8   
9 Galena West  
10 Chief of Enforcement  
11 Fair Political Practices Commission  
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**EXHIBIT A-7**

**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, 428 J Street, Suite 620, Sacramento, California 95814. On 10/11/2016, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 15/318: Accusation;
3. Notice of Defense (Two Copies);
4. Selected Sections of the California Government Code, Administrative Procedure Act.

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

By personal service. At 1:05 a.m./(p.m.):

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

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

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

**SERVICE LIST**

Personal Delivery

Sheva Tabatabaiejad, Commission  
Assistant  
Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

Personal Service

James Yoder  


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 10/11/2016



Roone Peterson





## FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

### STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

*James Yoder*

*FPPC Case No. 15/318*

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 Amanda Kelly, Graduate Legal Assistant, Enforcement Division, at (916) 322-7771 or at [akelly@fppc.ca.gov](mailto:akelly@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 (d).):

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



*Before the Fair Political Practices Commission*

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**State of California**

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
	)	
JAMES YODER,	)	FPPC Case No. 15/318
	)	
	)	
Respondent.	)	
	)	
	)	
	)	

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

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

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

**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:  
  

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

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

\_\_\_\_\_  
Respondent

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

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

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



*Before the Fair Political Practices Commission*

---

**State of California**

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
	)	
JAMES YODER,	)	FPPC Case No. 15/318
	)	
	)	
Respondent.	)	
	)	
	)	
	)	

---

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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:  

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

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

\_\_\_\_\_  
Respondent

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

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

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

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

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

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

#### **§ 11507.3. Consolidated proceedings; Separate hearings**

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

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

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

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### **§ 11507.5. Exclusivity of discovery provisions**

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

**HISTORY:** Added Stats 1968 ch 808 § 3.

### **§ 11507.6. Request for discovery**

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

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

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

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

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

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

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

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



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

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

**§ 11507.7. Motion to compel discovery; Order**

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

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

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

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

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

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

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

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

### **§ 11508. Time and place of hearing**

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

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

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

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

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

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

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

**EXHIBIT A-8**

**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, 428 J Street, Suite 620, Sacramento, California 95814. On 10/11/2016, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 15/318: Accusation;
3. Notice of Defense (Two Copies);
4. Selected Sections of the California Government Code, Administrative Procedure Act.

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

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

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

**SERVICE LIST**

**Personal Delivery**

Sheva Tabatabaiejad, Commission  
Assistant  
Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

**Personal Service**

James Yoder  


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 10/11/2016.



Roone Peterson

AFFIDAVIT OF SERVICE

<b>Case:</b> 15/318	<b>Court:</b> Fair Political Practices Commission	<b>County:</b>	<b>Job:</b> 1060367
<b>Plaintiff / Petitioner:</b> Fair Political Practices Commission		<b>Defendant / Respondent:</b> JAMES YODER	
<b>Received by:</b> 530 Process Servers		<b>For:</b> Enforcement Division, Fair Political Practices Commission	
<b>To be served upon:</b> James Yoder			

i, MICHAEL REID, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** James (JIM) Yoder in c/o Kelly Yoder; Spouse, Home: [REDACTED]  
**Manner of Service:** Individual, Oct 12, 2016, 5:20 pm PDT  
**Documents:** 1. Statement to Respondent 2. FPPC Case No. 15/318: Accusation 3. Notice of Defense (Two Copies) 4. Selected Sections of the California Government Code, Administrative Procedure Act

**Additional Comments:**  
1) Successful Attempt: Oct 12, 2016, 5:20 pm PDT at Home: [REDACTED] received by James Yoder in c/o Kelly Yoder, Spouse. Age: 55; Ethnicity: Caucasian; Gender: Female; Weight: 145; Height: 5'4"; Hair: Gray;

**Fees:** \$95.00

[REDACTED] \_\_\_\_\_  
October 13, 2016

MICHAEL REID  
BUTTE #178

Date

530 Process Servers  
1692 MANGROVE AVENUE # 200  
CHICO, CA 95926  
800-586-8060



**EXHIBIT A-9**



# COUNTY OF GLENN ELECTIONS DEPARTMENT

Courthouse Complex  
516 W. Sycamore St., 2nd Floor  
Willows, CA 95988

SHERYL THUR  
Assessor  
Clerk  
Recorder  
Elections

(530) 934-6414 FAX (530)934-6485

February 3, 2015

James I. Yoder

Alternate Member, Representing the City of Orland or Willows, Transportation Commission

RE: INITIAL STATEMENT OF ECONOMIC INTERESTS

Dear Mr. Yoder:

The California Political Reform Act requires that officials, consultants, contractors and employees of public agencies must file statements of economic interests at certain times if they hold positions that are designated by state law or an agency's conflict of interest code.

Our records indicate that you are required to file an initial statement of economic interests within 30 days because you recently assumed your position as Alternate Member, Representing the City of Orland or Willows, Transportation Commission or your position may have been recently added to the County's conflict of interest code, as contained in Title 8 of the Administrative Manual.

Statements shall be made using the Fair Political Practices Commission Form 700. A Form 700 with instructions is enclosed. A copy of your agency's conflict of interest code is also enclosed - it states what interests you must disclose. If you need assistance completing your statement, you should telephone the Fair Political Practices Commission technical assistance staff at their toll-free number: 1-866-ASK-FPPC. All forms and additional information are available at the FPPC website: [www.fppc.ca.gov](http://www.fppc.ca.gov).

You have 30 days to file your statement with the County Clerk/Elections Department. Please submit only the completed pages of the Form 700.

To avoid a \$10-per-day late penalty you must file your statement not later than March 5, 2015.

If you have any questions regarding this letter, please telephone the Elections Department at 934-6414.

Sincerely,

SHERYL THUR, COUNTY CLERK

By:

**EXHIBIT A-10**





**COUNTY OF GLENN**  
**ELECTIONS DEPARTMENT**

Courthouse Complex  
516 W. Sycamore St., 2nd Floor  
Willows, CA 95988

SHERYL THUR  
Assessor  
Clerk  
Recorder  
Elections

(530) 934-6414 FAX (530)934-6485

March 4, 2015

Alternate Member, Representing the City of Orland or Willows  
Transportation Commission

James I. Yoder  


RE: INITIAL STATEMENT OF ECONOMIC INTERESTS

Dear Mr. Yoder:

This is a reminder that pursuant to the California Political Reform Act and the County's Conflict of Interest Code, as contained in Title 8 of the Administrative Manual, you are required to file a Statement of Economic Interests. Please be advised that as of today we do not have your Initial Statement of Economic Interests (Form 700) on file. It is due no later than March 5, 2015.

If you submitted your Statement to your agency or department head then your Statement should be forwarded and filed in this office.

If you need another Form 700 or have questions, please contact the Elections Office at 934-6414. You may also obtain forms and information from the Fair Political Practices Commission website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Sincerely,

SHERYL THUR, COUNTY CLERK

By: 

cc: Transportation Commission

**EXHIBIT A-11**



# COUNTY OF GLENN ELECTIONS DEPARTMENT

Courthouse Complex  
516 W. Sycamore St., 2nd Floor  
Willows, CA 95988

SHERYL THUR  
Assessor  
Clerk  
Recorder  
Elections

(530) 934-6414 FAX (530) 934-6485

March 25, 2015

James I. Yoder  
[REDACTED]

Alternate Member, Representing the City of  
Orland or Willows

Transportation Commission

**RE: STATEMENT OF ECONOMIC INTERESTS -  
SPECIFIC WRITTEN NOTICE**

Dear Mr. Yoder:

Your Statement of Economic Interests (Form 700), which was due March 5, 2015 has not been received. Government Code Section 91013 imposes a \$10 per day fine up to a maximum of \$100 for the late filing of a Statement of Economic Interests. However, if you file your Statement **WITHIN 30 DAYS** of receipt of this letter, and attach 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 receipt of this letter.

If you need another Form 700 or have questions, please contact Susan Alves or Lisa Teeter at the Elections Office at 934-6414. You may also obtain forms and information from the Fair Political Practices Commission website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Sincerely,

SHERYL THUR, COUNTY CLERK

By: [REDACTED]

Conflict of Interest Code: Title 8 Category I  
Initial/Assuming office letter and Form 700 issued 2/3/2015.  
Reminder letter sent 3/4/2015.  
Assuming office statement NOT filed.

7010 0780 0000 5062 0376

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 6.49	05  Postmark Here  03/25/2015
Certified Fee	\$3.30	
Return Receipt Fee (Endorsement Required)	\$2.70	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.49</b>	

Sent To **James I. Yoder**  
 Street, Apt. No.,  
 or PO Box No. [Redacted]  
 City, State, ZIP+4 [Redacted]

PS Form 3800, August 2006 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**James I. Yoder**

[Redacted Address]

RECEIVED  
 RYL THUR, COUNTY CLERK  
 APR 07 2015  
 BY \_\_\_\_\_ DEPUTY

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Redacted Signature]  Agent  Addressee

B. Received by (Printed Name)  
*Eric Toorn*

C. Date of Delivery  
*3/26/15*

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

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) **7010 0780 0000 5062 0376**

**EXHIBIT A-12**



# COUNTY OF GLENN ELECTIONS DEPARTMENT

Courthouse Complex  
516 W. Sycamore St., 2nd Floor  
Willows, CA 95988

(530) 934-6414 FAX (530)934-6485

SHERYL THUR

Assessor  
Clerk  
Recorder  
Elections

April 27, 2015

James I. Yoder  
[REDACTED]

Office:  
Alternate Member, Representing the City  
of Orland or Willows  
  
Transportation Commission

## RE: STATEMENT OF ECONOMIC INTERESTS - PENALTIES OWED

Dear Mr. Yoder:

According to our records, on Thursday, March 26, 2015, you received specific written notice that we did not receive your Statement of Economic Interests, Form 700, which was due on March 5, 2015. We advised you to file your statement and a letter of explanation within 30 days. 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 per day, up to a maximum of \$100. Furthermore, state law prohibits the waiving of any portion of the liability if the statement is not filed within 30 days after you receive specific written notice of the filing requirement.

Therefore, the enclosed Form 700 must be completed as your statement of economic interests and returned along with a check or money order in the amount of \$100 made payable to the County Clerk. We have also enclosed a copy of Title 8 so that you can determine what interests you must disclose.

**If we have not heard from you within 10 days from the date you receive this letter, this matter will be referred to the appropriate enforcement authority.**

If you have any questions regarding this letter, please contact Susan Alves in the Elections Office at 934-6414.

Sincerely,

SHERYL THUR, COUNTY CLERK  
[REDACTED]

By: [REDACTED]

Conflict of Interest Code: Title 8 Category 1  
Initial/Assuming office letter and Form 700 issued 2/3/2015.  
Reminder letter sent 3/4/2015.  
Specific written notice sent 3/25/2015.  
Specific written notice was received 3/26/2015.  
Assuming office statement NOT filed.

cc: Transportation Commission

7010 0780 0000 5062 0390

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage	\$ 1.61	0988
Certified Fee	\$3.30	04
Return Receipt Fee (Endorsement Required)	\$2.70	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 7.61</b>	<b>04/28/2015</b>

Sent To **James I. Yoder**  
 Street, Apt. No., or PO Box No. [REDACTED]  
 City, State, ZIP+4 [REDACTED]

PS Form 3800, August 2006 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**James I. Yoder**  
 [REDACTED]  
**SHERYL THUR, COUNTY CLERK**  
**MAY 04 2015**  
 BY [Signature] DEPUTY

**COMPLETE THIS SECTION ON DELIVERY**

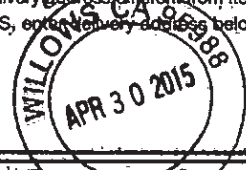
A. Signature [Signature]  Agent  Addressed

B. Received by (Printed Name) **Sheryl Thur** C. Date of Delivery **4/30/15**

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

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



2. Article Number (Transfer from Service label) **7010 0780 0000 5062 0390**

PS Form 3811, February 2004 **7010 0780 0000 5062 0390** 2595-02-M-1540

**EXHIBIT A-13**





# COUNTY OF GLENN ELECTIONS DEPARTMENT

SHERYL THUR  
Assessor  
County Clerk  
Recorder  
Elections

Courthouse Complex  
516 West Sycamore Street  
Willows, CA 95988

(530) 934-6414

FAX (530) 934-6571

May 11, 2015

Fair Political Practices Commission  
Enforcement Division  
428 J Street, Suite 620  
Sacramento, CA 95814

RECEIVED  
FAIR POLITICAL  
PRACTICES COMMISSION  
15 MAY 13 PM 2:17

Please find enclosed supporting documents on James I. Yoder. Mr. Yoder failed to file his assuming Statement of Economic Interest Statement, Form 700, as an Alternate Member for the Transportation Commission. The statement was due March 5, 2015.

Sincerely,

Sheryl Thur, County Clerk

By:

  
Lisa Teeter, Deputy



**Statement of Economic Interests  
Form 700 Non-Filer Enforcement Referral**

In order to expedite the enforcement referral, please complete the information below.

**I. FILING OFFICER INFORMATION**

Filing Officer: Lisa Teeter - Glenn Co. elections Title: Supervising Office Technician  
 Address: 516 W. Sycamore St. 2nd Floor, Willows, Ca. 95988  
 Telephone: 530-934-6414 Fax: 530-934-6571 E-mail: lteeter@countyofglenn.net  
 Agency: Glenn County Elections Department

**II. NON-FILER INFORMATION**

Name: James I. Yoder Position: Alternate Member  
 Agency: Transportation Commission  
 Address (Home): [REDACTED]  
 Employer: \_\_\_\_\_  
 Address (Work): \_\_\_\_\_  
 Telephone (Home): [REDACTED] Telephone (Work): \_\_\_\_\_

**III. STATEMENT INFORMATION**

**Type of Non-Filed Statement:**

Assuming: 1/23/15 (Date)  Annual (Year)  Leaving (Date) Date Due: \_\_\_/\_\_\_/\_\_\_  
 Assuming: \_\_\_/\_\_\_/\_\_\_ (Date)  Annual (Year)  Leaving (Date) Date Due: \_\_\_/\_\_\_/\_\_\_

Number of Prior Filings: 4 (Attach copy of most recent statement filed.) Number of Prior Late Filings: 3 (Attach filing history.)

Currently Holding Position?  Yes  No

**IV. NOTIFICATIONS:** Attach copies of letters, phone logs, e-mails or other documentation.

Two written notifications must be made before referring this matter to the Fair Political Practices Commission Enforcement Division for consideration for formal enforcement action.

Date: 2/3/15  Verbal  Written Date: 3/25/15  Verbal  Written  
 Date: 3/4/15  Verbal  Written Date: 4/27/15  Verbal  Written

Please include a copy of the conflict of interest code.

Upon completion, mail the form and attachments to:  
 Fair Political Practices Commission ♦ Enforcement Division  
 428 J Street, Ste. 620 ♦ Sacramento, CA 95814 ♦ Telephone: (916) 322-6090 ♦ Fax: (916) 322-1932

**EXHIBIT A-14**



## FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

### Protected Settlement Communication Pursuant to Evidence Code Sections 1152 and 1154

July 15, 2015

James I. Yoder  
Alternate Board Member, Glenn County Transportation Commission

#### Streamlined Stipulation Settlement Offer: FPPC No. 15/318

Dear Mr. Yoder:

The Enforcement Division of the Fair Political Practices Commission (the "Commission") enforces the provisions of the Political Reform Act (the "Act").<sup>1</sup> This letter is in response to a referral from the Glenn County Clerk-Elections Office. The Enforcement Division has completed its investigation and found that as a result of your position as an Alternate Board Member for the Glenn County Transportation Commission, the Act requires you to periodically file a Statement of Economic Interests (SEI) and that you failed to timely file an Assuming Office SEI.

You violated the Act by failing to file your Assuming Office SEI by the February 22, 2015 deadline. The Enforcement Division has commenced an enforcement action against you, and can obtain an order that you pay a monetary penalty to the State of California of up to \$5,000 per violation. You do not qualify for a warning letter because you received one in 2012 regarding your annual SEI.

The Enforcement Division encourages those whose violations meet the criteria for a streamlined settlement to participate in the streamlined settlement program. The streamlined settlement program allows those who qualify to pay significantly lower penalties for their violations than they would if they do not take advantage of the program. Your violation qualifies you for the streamlined program. This is the first time the Enforcement Division has offered to resolve your case through a proposed streamlined stipulation. That being the case, our current offer to settle is \$200. **Please note that this penalty will increase with each attempt we make to resolve this matter.**

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014.

To take advantage of this settlement offer you must:

1. File the delinquent SEI (Form 700);
2. Sign the enclosed Stipulation, Decision and Order (Stipulation); and
3. Return the completed Form 700, the signed Stipulation, and a **cashier's check or money order**, not a personal check, made payable to the "State of California" in the amount of \$200 postmarked **no later than August 4, 2015**.

If you enter into this proposed streamlined stipulated agreement, the signed stipulation will be presented at the next regularly-scheduled public meeting of the Fair Political Practices Commission. Please be advised that the settlement of this case is subject to approval by a majority of the five members of the Commission.

For more information on the Form 700, visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov). Should you have any questions regarding this letter, please feel free to contact Tara Stock at 916-327-2018.

Sincerely,

  
Galena West  
Enforcement Chief

Enclosures

GW:ts

**FAIR POLITICAL PRACTICES COMMISSION  
STIPULATION, DECISION AND ORDER  
Statement of Economic Interests Non-Filer  
(Streamlined Program)**

Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent hereby agree that this stipulation will be presented to the Fair Political Practices Commission at its next regularly scheduled meeting, or as soon thereafter as the matter can be heard, as a final disposition of the reporting violation(s) described herein.

FPPC CASE NO.: 15/318

RESPONDENT: Yoder, James I.

POSITION: Alternate Board Member, Glenn County Transportation Commission

JURISDICTION:  City of  County of Glenn  Multi-County  State

GOV'T CODE SECTION VIOLATED:  87300  87204  87203  87202

Total Penalty: \$200

**STATEMENT BY RESPONDENT:**

I acknowledge that the violation(s) of the Political Reform Act described above have occurred and voluntarily request that the Fair Political Practices Commission resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* and voluntarily waive any and all procedural rights to contest this matter in an administrative hearing. **All outstanding reports in connection with these violations have now been filed.** I have attached a cashier's check or money order made payable to the General Fund of the State of California in the amount of the penalty described above.

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

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

**STATEMENT BY ENFORCEMENT CHIEF:**

I have reviewed the above stipulation and recommend its approval.

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

\_\_\_\_\_  
GALENA WEST, ENFORCEMENT CHIEF

**ORDER OF THE COMMISSION:**

The foregoing stipulation has been adopted by a majority vote of the Fair Political Practices Commission as its final decision and order and is effective upon execution below by the Chair.

**IT IS SO ORDERED.**

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

\_\_\_\_\_  
JOANN REMKE, CHAIR

**FAIR POLITICAL PRACTICES COMMISSION**  
**STATEMENT OF RESPONDENT'S RIGHTS**

The Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent, both identified by name on the front of this document, hereby agree that this Stipulation, Decision and Order will be submitted for consideration by the Commission at its next regularly scheduled meeting.

The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondent.

Respondent understands and hereby knowingly and voluntarily waives any and all procedural rights under California Government Code sections 83115.5, 11500, *et seq.*, and 2 California Code of Regulations sections 18361.4 through 18361.11, including but not limited to the issuance and receipt of an accusation, and the right to appear personally and be represented by counsel at his or her own expense in any administrative hearing held in this matter, to confront and cross examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have an impartial administrative law judge present at the hearing to act as a hearing officer.

It is further stipulated and agreed that Respondent has violated the Political Reform Act as described herein.

Respondent agrees to the issuance of the Decision and Order and imposition by the Commission of a penalty in the amount specified on the Stipulation, and a cashier's check or money order in said amount, payable to the "General Fund of the State of California," has been submitted by Respondent to be held by the State of California until the Commission issues its Decision and Order.

The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which this Stipulation is rejected, payments tendered shall be reimbursed to Respondent. Respondent further stipulates and agrees that in the event the Commission rejects the Stipulation and a full evidentiary hearing before the Commission becomes necessary, neither a member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

**DESCRIPTION OF VIOLATION:**

<b>Ct.</b>	<b>Statement</b>	<b>Reporting Period</b>	<b>Due Date</b>	<b>Penalty</b>
<b>1</b>	2012 Annual	1/23/14 - 1/23/15	February 22, 2015	\$200

- Filer has filed all statements.
- Filer has not received a penalty from Enforcement for failing to timely file an SEI or failing to timely report a qualifying economic interest.
- Found no evidence of intent to conceal.



**EXHIBIT A-15**



**FAIR POLITICAL PRACTICES COMMISSION**

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

**Protected Settlement Communication  
Pursuant to Evidence Code Sections 1152 and 1154**

August 21, 2015

James I. Yoder  
Alternate Board Member, Glenn County Transportation Commission  
[REDACTED]

**Streamlined Stipulation Settlement Offer: FPPC No. 15/318**

Dear Mr. Yoder:

On July 15, 2015, we notified you that due to your failure to file your Assuming Office Statement of Economic Interests ("SEI") by the February 22, 2015 deadline, the Enforcement Division of the Fair Political Practices Commission was prepared to commence an enforcement action against you. In that letter, you were encouraged to participate in the Enforcement Division's streamlined statement of economic interests enforcement program wherein you would complete your Assuming Office SEI, sign a Stipulation, Decision and Order, and pay an administrative penalty of \$200.

In that letter you were advised that if you failed to meet the August 4, 2015 deadline, the administrative penalty would increase and continue to increase until compliance was met.

By failing to return the Stipulation, cashier's check and completed SEI by the August 4, 2015 deadline, the penalty assessed for your non-compliance has been increased to \$400. Should the Enforcement Division be forced to commence an enforcement action against you, it may obtain an order that you pay a monetary penalty to the State of California of up to \$5,000.

Before commencing that enforcement action, you are further encouraged to participate in the Enforcement Division's streamlined statement of economic interests enforcement program. To take advantage of this offer you must:

- 1) File the delinquent SEI (Form 700);
- 2) Sign the enclosed Stipulation, Decision and Order (Stipulation); and
- 3) Return the completed Form 700, the signed Stipulation, and include a **cashier's check or money order**, not a personal check, made payable to the "State of California" in the amount of \$400, postmarked no later than September 11, 2015.

If you enter into this proposed streamlined stipulated agreement, the signed stipulation will be presented at the next regularly-schedule public meeting of the Fair Political Practices Commission. Please be advised that the settlement of this case is subject to approval by a majority of the five member of the Commission.

Please note that failure to comply with this request will remove this matter from the streamlined program and we will initiate an enforcement action. If you have any questions, please call Teri Rindahl directly at (916) 327-2018.

Sincerely,

A solid black rectangular box redacting the signature of Galena West.

Galena West  
Chief, Enforcement Division

GW:tr

Enclosures

**FAIR POLITICAL PRACTICES COMMISSION  
STIPULATION, DECISION AND ORDER  
Statement of Economic Interests Non-Filer  
(Streamlined Program)**

Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent hereby agree that this stipulation will be presented to the Fair Political Practices Commission at its next regularly scheduled meeting, or as soon thereafter as the matter can be heard, as a final disposition of the reporting violation(s) described herein.

**FPPC CASE NO.:** 15/318

**RESPONDENT:** Yoder, James

**POSITION:** Alternate Member, Glenn County Transportation Commission

**JURISDICTION:**  City of  County of Glenn  Multi-County  State

**GOV'T CODE SECTION VIOLATED:**  87300  87204  87203  87202

**Total Penalty:** \$400

**STATEMENT BY RESPONDENT:**

I acknowledge that the violation(s) of the Political Reform Act described above have occurred and voluntarily request that the Fair Political Practices Commission resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* and voluntarily waive any and all procedural rights to contest this matter in an administrative hearing. **All outstanding reports in connection with these violations have now been filed.** I have attached a cashier's check or money order made payable to the General Fund of the State of California in the amount of the penalty described above.

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

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

**STATEMENT BY ENFORCEMENT CHIEF:**

I have reviewed the above stipulation and recommend its approval.

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

\_\_\_\_\_  
GALENA WEST, ENFORCEMENT CHIEF

**ORDER OF THE COMMISSION:**

The foregoing stipulation has been adopted by a majority vote of the Fair Political Practices Commission as its final decision and order and is effective upon execution below by the Chair.

**IT IS SO ORDERED.**

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

\_\_\_\_\_  
JOANN REMKE, CHAIR

**FAIR POLITICAL PRACTICES COMMISSION**  
**STATEMENT OF RESPONDENT'S RIGHTS**

The Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent, both identified by name on the front of this document, hereby agree that this Stipulation, Decision and Order will be submitted for consideration by the Commission at its next regularly scheduled meeting.

The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondent.

Respondent understands and hereby knowingly and voluntarily waives any and all procedural rights under California Government Code sections 83115.5, 11500, *et seq.*, and 2 California Code of Regulations sections 18361.4 through 18361.11, including but not limited to the issuance and receipt of an accusation, and the right to appear personally and be represented by counsel at his or her own expense in any administrative hearing held in this matter, to confront and cross examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have an impartial administrative law judge present at the hearing to act as a hearing officer.

It is further stipulated and agreed that Respondent has violated the Political Reform Act as described herein.

Respondent agrees to the issuance of the Decision and Order and imposition by the Commission of a penalty in the amount specified on the Stipulation, and a cashier's check or money order in said amount, payable to the "General Fund of the State of California," has been submitted by Respondent to be held by the State of California until the Commission issues its Decision and Order.

The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which this Stipulation is rejected, payments tendered shall be reimbursed to Respondent. Respondent further stipulates and agrees that in the event the Commission rejects the Stipulation and a full evidentiary hearing before the Commission becomes necessary, neither a member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

**DESCRIPTION OF VIOLATION:**

Ct.	Statement	Reporting Period	Due Date	Penalty
1	Assuming Office	1/23/14-1/23/15	February 22, 2015	\$400

- Filer has filed all statements.
- Filer has not received a penalty from Enforcement for failing to timely file an SEI or failing to timely report a qualifying economic interest.
- Found no evidence of intent to conceal.

**EXHIBIT A-16**

## Elizabeth Enea

---

**From:** [REDACTED]  
**Sent:** Tuesday, August 02, 2016 12:18 PM  
**To:** Elizabeth Enea  
**Subject:** Re: James Yoder; FPPC No. 15/318. SEI Violation.

Thank you Elizabeth for contacting me with the past stipulation that your office proposed on August 21, 2015. I have received correspondence from your department in the past, that I am not disputing or the fact that I overlooked the alternate position on my FPPC form. For that, I do apologize for any inconvenience it may have caused.

I assure you that at no time during the last calendar year did I ever sit on that commission and/or vote. That being said, I will be sending back the signed stipulation and agree that I did somehow violate the letter of the law, though not the spirit of the law.

I am happy to report however, that my daughter is recovering, though I did lose my son inlaw. My two grandchildren are doing well after surviving this horrific crash. One just being born a month ago. After spending a month in a chair at the hospital trying to keep my daughter alive and unborn grandson. As would any parent, I have taken them in and care for them 24/7.

Not that this is an excuse for violating a simple regulation, as I am retired law enforcement, so I do understand the law and its consequences. I guess its just me venting about the system.

Thanks for the consideration.

I will send the stipulation back signed along with a cashiers check in the amount of 400.00

Sent from Windows Mail

**From:** Elizabeth Enea  
**Sent:** Tuesday, August 2, 2016 11:46 AM  
**To:** [REDACTED]

Good morning Mr. Yoder,

I am contacting you regarding a referral from the Glen County Elections Department for your failure to file a Assuming Office Statements of Economic Interests ("SEI") for your position as an Alternate Member of the Transportation Committee.

Have you filed this SEI? If so, please email me a copy of the filed form.

If you have not, please file your Assuming Office SEI with the Glenn County Elections Department AND answer the Stipulation Settlement offer that was sent to you on August 21, 2015. For your convenience I have attached a copy of the stipulation offer that was sent to you. (see attachment Yoder Stipulation Offer)

Please respond to the stipulation agreement by :

1. Signing the Stipulation, Decision, and Order
2. Send a Cashier's check for \$400, made payable to the "General Fund of the State of California" (Unfortunately the FPPC **is does not accept personal checks**)
3. Please send the signed Stipulation Offer and the check to the FPPC at:  
Fair Political Practice Commission  
Attn: Dave Bainbridge



428 J Street, Suite 620  
Sacramento, CA 95814

The Enforcement Division is preparing to take the file steps in order to obtain a judgement, which may require that you pay the maximum fine of \$5,000. Please contact me as soon as possible regarding this matter.



**Elizabeth Enea**  
Law Clerk, Enforcement Division  
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 620 | Sacramento, CA 95814  
(916) 323-2689 | [eneea@fppc.ca.gov](mailto:eneea@fppc.ca.gov)

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**EXHIBIT A-17**

If you file the form, then I'm comfortable saying that I can hold this until the end of September. At that point, I'll probably have to revisit it with my supervisor if you aren't yet able to send the stipulation and fine. I hope this helps.

Amanda

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**From:** [REDACTED]  
**Sent:** Wednesday, August 24, 2016 12:30 PM  
**To:** Amanda Kelly <[akelly@fppc.ca.gov](mailto:akelly@fppc.ca.gov)>  
**Subject:** Re: Following Up on Past Due Statement of Economic Interests

Good afternoon Amanda

First, Thank you for allowing me to finalize this with minimal financial distress on my family. Yes, though I haven't filed the stipulation yet, it is my intention on doing so. Right now, however, it is a money issue that prevents me from sending right away. I have finally, got my wife back to work this week and my daughter, after 7 long months. Resources have unfortunately been depleted, though, I anticipate a positive turn around shortly. I know that is not the roll of the government to take this in consideration, though you are providing me some latitude.

My question would be this. How long would I be able to push this out? I truly understand the process and will make it right.

Thanks Jim

Sent from Windows Mail

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**From:** Amanda Kelly  
**Sent:** Wednesday, August 24, 2016 11:22 AM  
**To:** [REDACTED]

Good morning Mr. Yoder,

I just left a voicemail for you, but thought I would follow up via email as well. I have taken over your case from Elizabeth Enea, who you emailed on August 2 regarding your past-due Assuming Office Statement of Economic Interests (SEI) and your intent to file, then send us the stipulation and cashier's check.

Please let me know if you have had a chance to file or complete the stipulation. I understand that you have been dealing with a family tragedy, so I certainly don't want to move to the next step in our process and make things harder if you are willing to file and stipulate to the violation now. If there is anything I can do to help you through the process, feel free to contact me. We have a help line and brochures to assist in filing SEIs if you need assistance.

Thank you,  
Amanda



**Amanda Kelly**  
Graduate Legal Assistant, Enforcement Division  
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 620 | Sacramento, CA 95814  
(916) 322-7771 | [akelly@fppc.ca.gov](mailto:akelly@fppc.ca.gov)

## Amanda Kelly

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**From:** [REDACTED]  
**Sent:** Wednesday, August 24, 2016 1:32 PM  
**To:** Amanda Kelly  
**Subject:** RE: Following Up on Past Due Statement of Economic Interests

It absolutely does...i will file with the county tomorrow...  
Thanks for your help and understanding

On Aug 24, 2016 1:21 PM, "Amanda Kelly" <[akelly@fppc.ca.gov](mailto:akelly@fppc.ca.gov)> wrote:

Hi Jim,

Thanks for your quick response. I am glad to hear that things are turning around for you.

We received the referral from Glenn County in May 2015, and while it's not the oldest case on my desk, there's certainly some pressure to close normal priority 2015 cases faster than those from 2016. What would help me a lot is if you would file the form with the county Elections Department, and then I can at least show that you're cooperating and the case is progressing toward closure. But, the county might impose a fine of up to \$100, and I don't know if they will seek that before/at the time of filing or not.

If you file the form, then I'm comfortable saying that I can hold this until the end of September. At that point, I'll probably have to revisit it with my supervisor if you aren't yet able to send the stipulation and fine. I hope this helps.

Amanda

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**From:** [REDACTED]  
**Sent:** Wednesday, August 24, 2016 12:30 PM  
**To:** Amanda Kelly <[akelly@fppc.ca.gov](mailto:akelly@fppc.ca.gov)>  
**Subject:** Re: Following Up on Past Due Statement of Economic Interests

Good afternoon Amanda

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I have finally, got my wife back to work this week and my daughter, after 7 long months. Resources have unfortunately been depleted, though, I anticipate a positive turn around shortly.

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My question would be this. How long would I be able to push this out? I truly understand the process and will make it right.

Thanks Jim

Sent from Windows Mail

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**From:** Amanda Kelly

**Sent:** Wednesday, August 24, 2016 11:22 AM

**To:** [REDACTED]

Good morning Mr. Yoder,

I just left a voicemail for you, but thought I would follow up via email as well. I have taken over your case from Elizabeth Enea, who you emailed on August 2 regarding your past-due Assuming Office Statement of Economic Interests (SEI) and your intent to file, then send us the stipulation and cashier's check.

Please let me know if you have had a chance to file or complete the stipulation. I understand that you have been dealing with a family tragedy, so I certainly don't want to move to the next step in our process and make things harder if you are willing to file and stipulate to the violation now. If there is anything I can do to help you through the process, feel free to contact me. We have a help line and brochures to assist in filing SEIs if you need assistance.

Thank you,

Amanda



**Amanda Kelly**

**Graduate Legal Assistant, Enforcement Division**

**CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION**

428 J Street, Suite 620 | Sacramento, CA 95814

(916) 322-7771 | [akelly@fppc.ca.gov](mailto:akelly@fppc.ca.gov)

**EXHIBIT A-18**

## Amanda Kelly

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**From:** Amanda Kelly  
**Sent:** Wednesday, September 28, 2016 1:40 PM  
**To:** [REDACTED]  
**Subject:** RE: Following Up on Past Due Statement of Economic Interests  
**Attachments:** 1S-318 James Yoder - Stipulation.pdf

Hi Jim,

I wanted to follow up with you about your filing status and plan to send the stipulation and fine to us.

I spoke with the Glenn County Clerk, and she does not need you to file the Assuming Office statement. However, I spoke with my supervisor and we still need you to pay the FPPC's fine and sign the stipulation. In addition, I've been told to draft the next round of paperwork next week, and that will increase the fine once it's sent to you.

Would you be able to submit the signed stipulation and a \$400 cashier's check (payable to the General Fund of the State of California) to me this week or next? If not, I will have to move to the next step. I have attached a copy of the stipulation in case you do not have it any more.

Thank you,  
Amanda



**Amanda Kelly**  
Graduate Legal Assistant, Enforcement Division  
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 620 | Sacramento, CA 95814  
(916) 322-7771 | akelly@fppc.ca.gov

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**From:** Amanda Kelly  
**Sent:** Wednesday, August 24, 2016 1:21 PM  
**To:** [REDACTED]  
**Subject:** RE: Following Up on Past Due Statement of Economic Interests

Hi Jim,

Thanks for your quick response. I am glad to hear that things are turning around for you.

We received the referral from Glenn County in May 2015, and while it's not the oldest case on my desk, there's certainly some pressure to close normal priority 2015 cases faster than those from 2016. What would help me a lot is if you would file the form with the county Elections Department, and then I can at least show that you're cooperating and the case is progressing toward closure. But, the county might impose a fine of up to \$100, and I don't know if they will seek that before/at the time of filing or not.



**EXHIBIT A-19**



**FAIR POLITICAL PRACTICES COMMISSION**

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

November 28, 2016

**Via Certified Mail**

James Yoder  
[REDACTED]

**NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER**

**Re: FPPC No. 15/318  
In the Matter of James Yoder**

Dear Mr. Yoder:

Enclosed please find a copy of the Default Decision and Order, and accompanying Exhibit and attachments, for the above-referenced matter. The Fair Political Practices Commission (Commission) will consider these papers at its public meeting on **December 15, 2016**, and decide whether to impose the maximum administrative penalty in the amount of Five Thousand Dollars (\$5,000) against you.

You were previously served a Report in Support of a Finding of Probable Cause, commonly known as a Probable Cause Report, advising you of your right to request a probable cause conference or submit a written response to the probable cause report. You did not request a probable cause conference, nor did you submit anything in writing for the Commission's Hearing Officer to consider in his determination of probable cause.

Following the issuance of a Report in Support of a Finding of Probable Cause, the Commission's Hearing Officer found probable cause that you committed one violation of the Political Reform Act's conflict of interest code provisions. Thereafter, the Hearing Officer issued an Accusation against you on these violations. The Accusation was personally served on you on October 12, 2016. Under the law, you have therefore received adequate notice of these proceedings and the action filed against you. Under the Administrative Procedure Act, you were required to file your Notices of Defense within 15 days after service of the Accusation. You failed to file the Notices of Defense forms. As such, your right to an administrative hearing on this matter has been forfeited, and you are in a default position.

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.

At its public meeting on December 15, 2016, the Commission may impose an administrative penalty against you in the amount of \$5,000, the maximum penalty for the one violation.

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.

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 December 15, 2016 meeting. Please contact Amanda Kelly at (916) 322-7771 or [akelly@fppc.ca.gov](mailto:akelly@fppc.ca.gov) if you wish to enter into a negotiated settlement.

Sincerely,

A large black rectangular redaction box covering the signature of Dave Bainbridge.

Dave Bainbridge  
Assistant Chief  
Enforcement Division

Enclosures

DB: ack