

1 GALENA WEST
Chief of Enforcement
2 AMANDA KELLY
Commission Counsel
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
10 STATE OF CALIFORNIA

11 In the Matter of

12
13 ALLISON SCOTT,

14
15 Respondent.

) FPPC No.: 15/1129
)
)

) DEFAULT DECISION AND
) ORDER

) (Government Code Sections 11506
) and 11520)
)
)

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

20 Pursuant to the California Administrative Procedure Act,¹ Allison Scott ("Scott") 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 per Respondent);
26 4. A Statement to Respondent; and,
27

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

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

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

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

14
15 Dated: 9mar17



Galena West, Chief of Enforcement
Fair Political Practices Commission

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ORDER

The Commission issues this Default Decision and Order and imposes an administrative penalty of \$12,000 upon Allison Scott, 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 Allison Scott (“Scott”) has been serving as a Commissioner of the Archaeological Commission of Mendocino County (“Archaeological Commission”) since March 1, 2010. She is currently in office.

The Political Reform Act (the “Act”)¹ requires designated officials to file an Annual 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 Mendocino County Clerk-Recorder for Scott’s failure to file a 2014 Annual SEI.

As a designated official with the Archaeological Commission, Scott had a duty to file a 2011 Annual SEI by April 2, 2012, a 2012 Annual SEI by April 1, 2013, a 2013 Annual SEI by April 1, 2014, and a 2014 Annual SEI by April 1, 2015. Scott failed to timely file Annual SEIs for 2011, 2012, 2013, and 2014.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

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

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

² Section 83116.

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

⁴ Section 11503.

compliance with a Commission regulation would result in a material violation of another department's regulation affecting substantive rights.⁵

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

PROCEDURAL REQUIREMENTS AND HISTORY

A. Initiation of the Administrative Action

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

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

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

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-12, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Scott in this matter by serving her with a Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by certified mail, return receipt requested,¹² on January 25, 2016. (Certification, Exhibit A-2.) The administrative action

⁵ Section 11506, subd. (a)(1)-(6).

⁶ Section 11506, subd. (c).

⁷ Section 11520, subd. (a).

⁸ Section 91000.5, subd. (a).

⁹ Section 83115.5.

¹⁰ Section 83115.5.

¹¹ Section 91000.5.

¹² Section 83115.5.

commenced on February 4, 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.

As required by Section 83115.5, the packet served on Scott contained a cover letter and a memorandum describing probable cause proceedings, advising that Scott 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.) Scott 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 Scott failed to request a probable cause conference or submit a written response to the Report by the statutory deadline, the Enforcement Division submitted an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served to the Hearing Officer of the Commission on April 19, 2016. (Certification, Exhibit A-4.)

On April 19, 2016, Hearing Officer Brian Lau, Senior Commission Counsel, Legal Division issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Scott. (Certification, Exhibit A-5.)

C. The Issuance and Service of the Accusation

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

Section 11503 states:

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

¹³ Regulation 18361.4, subd. (e).

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

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

On August 31, 2016, the Commission's Chief of Enforcement, Galena West, issued an Accusation against Scott 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 Scott on February 8, 2017. (Certification, Exhibit A-8.)

Along with the Accusation, the Enforcement Division served Scott with a "Statement to Respondent," which notified her that she 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, she would be deemed to have waived the right to a hearing. (Certification, Exhibit A-7.) Scott did not file a Notice of Defense within the statutory time period, which ended on February 23, 2017.

As a result, on March 10, 2017, the Enforcement Division sent a letter to Scott advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for April 20, 2017. (Certification, Exhibit A-12.) 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.¹⁷ In furtherance of this purpose, the Act requires every state agency to adopt and

¹⁴ Section 11505, subd. (a).

¹⁵ Section 11505, subd. (b).

¹⁶ Section 11505, subd. (c).

¹⁷ Section 81002, subd. (c).

promulgate a conflict of interest code, and any violation of such a code is deemed a violation of the Act.¹⁸

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, interests in real property, and sources of income.¹⁹ The persons who are to be designated in an agency's conflict of interest code are the officers, employees, members, and consultants of the agency whose position with the agency entails making, or participating in making, governmental decisions that may foreseeably have a material effect on one or more of the person's economic interests.²⁰ An agency's conflict of interest code must require designated positions to file an Annual SEI.²¹ The Archaeological Commission's Conflict of Interest Code designates Commissioner as a position that is required to file SEIs.

SUMMARY OF THE EVIDENCE

Scott assumed office on March 1, 2010, and currently serves as a Commissioner of the Archaeological Commission. As a designated official, she had a duty to file a 2011 Annual SEI by April 2, 2012, a 2012 Annual SEI by April 1, 2013, a 2013 Annual SEI by April 1, 2014, and a 2014 Annual SEI by April 1, 2015. Scott violated the Act by failing to timely file a 2011 Annual SEI by April 2, 2012, a 2012 Annual SEI by April 1, 2013, a 2013 Annual SEI by April 1, 2014, and a 2014 Annual SEI by April 1, 2015.

The Mendocino County Clerk-Recorder sent letters to Scott on April 10, 2014 and May 7, 2014 notifying her that her 2013 Annual SEI was due April 1, 2014. (Certification, Exhibit A-9.) Scott did not file her 2013 Annual SEI or prior SEIs, and was referred to the Enforcement Division on or about June 26, 2015. (Certification, Exhibit A-10.)

On August 20, 2015, September 28, 2015, November 5, 2015, and June 9, 2016, the Enforcement Division contacted Scott by U.S. mail in an attempt to settle this matter and gain compliance. Enforcement Division staff also left voicemails for Scott on May 24, 2016, June 7, 2016, July 27, 2016, August 22, 2016, and August 26, 2016, and spoke with Scott's aunt on July 27, 2016. Enforcement Division staff sent Scott emails regarding settlement on November 9, 2015, May 24, 2016, May 25, 2016, May 31, 2016, June 7, 2016, August 22, 2016, August 26, 2016, February 16, 2017, and February 28, 2016. Scott responded on May 24, 2016, May 31, 2016, June 2, 2016, and February 28, 2017, but failed to reach settlement with the Enforcement Division.

On May 10, 2016, Scott filed her 2011 Annual SEI, 2012 Annual SEI, 2013 Annual SEI, and 2014 Annual SEI with the Mendocino County Clerk-Recorder. (Certification, Exhibit A-11.) However, her SEIs are incomplete and failed to indicate whether or not she had any reportable interests.

¹⁸ Section 87300.

¹⁹ Section 87302, subd. (a).

²⁰ Sections 82019, subd. (a) and 87302.

²¹ Section 87302, subd. (b).

Scott remains in office as a Commissioner of the Archaeological Commission. As of March 7, 2017, she has not filed a 2015 Annual SEI or a 2016 Annual SEI with the Mendocino County Clerk-Recorder.

Summary of Contact

Overall, Scott was contacted at least 25 times regarding her duty to file Annual SEIs, as follows:

- April 10, 2014: letter from Mendocino County Clerk-Recorder
- May 7, 2014: letter from Mendocino County Clerk-Recorder
- August 20, 2015: letter from Enforcement Division
- September 28, 2015: letter from Enforcement Division
- November 5, 2015: letter from Enforcement Division
- November 9, 2015: email from Enforcement Division staff
- February 4, 2016: Report in Support of a Finding of Probable Cause served on Scott
- April 19, 2016: copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed to Scott
- April 19, 2016: copy of Finding of Probable Cause and Order to Prepare and Serve an Accusation mailed to Scott
- May 24, 2016: voicemail left by Enforcement Division staff
- May 24, 2016: email from Enforcement Division staff; response received May 24, 2016
- May 25, 2016: email from Enforcement Division staff; response received May 31, 2016
- May 31, 2016: email from Enforcement Division staff; response received June 2, 2016
- June 7, 2016: voicemail left by Enforcement Division staff
- June 7, 2016: email from Enforcement Division staff
- June 9, 2016: letter from Enforcement Division
- July 27, 2016: voicemail left by Enforcement Division staff
- August 22, 2016: voicemail left by Enforcement Division staff
- August 22, 2016: email from Enforcement Division staff
- August 26, 2016: voicemail left by Enforcement Division staff
- August 26, 2016: email from Enforcement Division staff
- February 8, 2017: accusation personally served upon Scott
- February 16, 2017: email from Enforcement Division staff in response to email from Scott received February 16, 2017
- February 28, 2017: email from Enforcement Division staff
- March 10, 2017: Notice of Intent to Enter into Default Decision and Order mailed to Scott

VIOLATIONS

Scott committed four violations of the Act, as follows:

COUNT 1

Failure to Timely File a 2011 Annual Statement of Economic Interests by April 2, 2012

Scott had a duty to file a 2011 Annual SEI by April 2, 2012. By failing to timely file this statement, Scott violated Government Code Section 87300.

COUNT 2

Failure to Timely File a 2012 Annual Statement of Economic Interests by April 1, 2013

Scott had a duty to file a 2012 Annual SEI by April 1, 2013. By failing to timely file this statement, Scott violated Government Code Section 87300.

COUNT 3

Failure to Timely File a 2013 Annual Statement of Economic Interests by April 1, 2014

Scott had a duty to file a 2013 Annual SEI by April 1, 2014. By failing to timely file this statement, Scott violated Government Code Section 87300.

COUNT 4

Failure to Timely File a 2014 Annual Statement of Economic Interests by April 1, 2015

Scott had a duty to file a 2014 Annual SEI by April 1, 2015. By failing to timely file this statement, Scott violated Government Code Section 87300.

CONCLUSION

This matter consists of four counts of violating the Act, which carries a maximum administrative penalty of \$20,000.²²

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

²² Section 83116, subd. (c).

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, Scott failed to timely file SEIs. The failure to comply with this obligation denied the public information about her financial activities and potential conflicts of interest. Although she ultimately filed her past-due SEIs, Scott failed to show on the SEI cover sheet whether or not she had any reportable interests, and has not filed her 2015 Annual SEI or 2016 Annual SEI as of March 7, 2017.

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

- *In the Matter of Claire Gottsdanker*, FPPC No. 15/1162. (Commission approved a default decision on February 16, 2017.) The respondent, a member of the Montecito Board of Architectural Review, failed to timely file a 2014 Annual SEI. Like Scott, Gottsdanker eventually filed her SEI, but failed to respond to the Enforcement Division's settlement offers. The Commission imposed a penalty of \$3,000.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$3,000 per count, for a total penalty of \$12,000, is recommended.



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

CERTIFICATION OF RECORDS

The undersigned declares and certifies as follows:

1. I am employed as 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. 15/1129; Allison Scott*, and have caused copies to be made of documents contained therein. I certify that the copies attached hereto are true and correct copies of the documents prepared in the normal course of business and which are contained in files maintained by the Commission. The attached documents are as follows:

- EXHIBIT A-1: Report in Support of a Finding of Probable Cause, dated January 25, 2016
- EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated January 25, 2016, and Return Receipt received on February 4, 2016
- EXHIBIT A-3: Cover letter to the Respondent regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated January 25, 2016
- EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated April 19, 2016
- EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated April 19, 2016, and Proof of Service, dated April 19, 2016

- EXHIBIT A-6: Accusation, dated August 31, 2016
- EXHIBIT A-7: Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated January 19, 2017
- EXHIBIT A-8: Proof of Service on February 8, 2017 for Accusation and accompanying documents from process server, dated February 15, 2017
- EXHIBIT A-9: Letters from Mendocino County Clerk-Recorder to Allison Scott, dated April 10, 2014 and May 7, 2014
- EXHIBIT A-10: Non-filer referral form from Mendocino County Clerk-Recorder referring Allison Scott as an Annual SEI non-filer to the Enforcement Division, stamped received on June 26, 2015
- EXHIBIT A-11: Allison Scott's Annual Statements of Economic Interests for 2011, 2012, 2013, and 2014, stamped received by the Mendocino County Clerk-Recorder on May 10, 2016
- EXHIBIT A-12: Notice of Intent to Enter into Default Decision and Order, dated March 10, 2017

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 10, 2017, at Sacramento, California.



Dominika Wojenska
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
9 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

10 **STATE OF CALIFORNIA**

11 In the Matter of

12
13 ALLISON SCOTT,

14
15 Respondent.

) FPPC No. 15/1129

)

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

)

) Conference Date: TBA

) Conference Time: TBA

) Conference Location: Commission Offices
) 428 J Street, Suite 620
) Sacramento, CA 95814
)
)
)

17
18 **INTRODUCTION**

19 Respondent Allison Scott currently serves as a Commission Member on the Archeological
20 Commission of Mendocino County. The County of Mendocino Conflict of Interest Code requires
21 Archeological Commission members to periodically file a Statement of Economic Interests ("SEI")
22 disclosing all relevant economic interests. Scott failed to timely file Annual SEI's for 2011, 2012, 2013
23 and 2014 by the April 1st deadline.

24 **SUMMARY OF THE LAW**

25 All legal references and discussions of law pertain to the Act's provisions as they existed in
26 2011 to 2015.

1 Jurisdiction

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

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.² After a finding of probable cause, the
8 Commission may hold a noticed hearing in accordance with the Administrative Procedure Act³ to
9 determine whether violations occurred, and levy an administrative penalty of up to \$5,000 for each
10 violation.⁴

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.⁵

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

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

19 There are many purposes of the Act. One central purpose of the Act is to increase transparency
20 and decrease conflicts of interest in the actions of public officials by requiring disclosure of their
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22
23 ¹ Section 83116. The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all
24 statutory references are to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18110
25 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

26 ² Section 83115.5, and Regulations 18361 and 18361.4.

27 ³ Section 11500, et seq.

28 ⁴ Section 83116, and Regulation 18361.4, subd. (e).

⁵ Section 18361.4, subd. (e).

⁶ Section 81001, subd. (h).

⁷ Section 81003.

1 financial interests.⁸ Another is to provide adequate enforcement mechanisms so that the Act will be
2 “vigorously enforced.”⁹

3 Conflict of Interest Codes

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

9 Mendocino County Conflict of Interest Code

10 Mendocino County’s Conflict of Interest Code designates Commissioners of the Archaeological
11 Commission of Mendocino County as positions that are required to file SEIs. The Mendocino County’s
12 Code requires designated officials to file an Annual SEIs by April 1st of the succeeding year.

13 Liability for Violations

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

17 **SUMMARY OF THE EVIDENCE**

18 Scott has been a Commission Member of the Archeological Commission of Mendocino County
19 since March 1, 2010. There is no record of Ms. Scott filing any of her required Annual SEIs.

20 Before referring the case to the Enforcement Division, Mendocino County Clerk notified Scott
21 two times about her duty to file a 2014 Annual SEI. These notifications were sent on April 10, 2014
22 and May 7, 2014. After Scott did not respond, the Mendocino County Clerk- Recorder referred the
23 matter to the Enforcement Division.

24 ⁸ Section 81002, subd. (c)

25 ⁹ Section 81002, subd. (f).

26 ¹⁰ Section 87302, subd. (b).

27 ¹¹ Section 87300

28 ¹² Sections 83116, and 83116.5.

1 The Enforcement Division attempted to contact Scott by letters sent August 20, 2015,
2 September 28, 2015 and November 5, 2015; as well as by e-mail on November 9, 2015 regarding her
3 outstanding SEIs. Scott did not respond.

4 According to the Mendocino County Clerk- Recorder, as of January 20, 2015, Scott has not
5 filed an Annual SEI for 2011, 2012, 2013, or 2014.

6 VIOLATIONS

7 Count 1: Failure to File Annual SEI

8 Scott failed to file a 2011 Annual SEI by April 1, 2012, in violation of Section 87300.

9 Count 2: Failure to File Annual SEI

10 Scott failed to file a 2012 Annual SEI by April 1, 2013, in violation of Section 87300.

11 Count 3: Failure to File Annual SEI

12 Scott failed to file a 2013 Annual SEI by April 1, 2014, in violation of Section 87300.

13 Count 4: Failure to File Annual SEI

14 Scott failed to file a 2014 Annual SEI by April 1, 2015, in violation of Section 87300.

15 OTHER RELEVANT MATERIAL

16 Scott failed to respond to notifications from the Mendocino County Clerk, as well as several
17 contact attempts by the Enforcement Division.

18 EXCULPATORY OR MITIGATING INFORMATION

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

Probable cause exists to believe that Scott violated the Act by failing to file an Annual SEI for 2011, 2012, 2013, and 2014. The Enforcement Division respectfully requests an order finding probable cause pursuant to Section 83115.5 and Regulation 18361.4.

Dated: January 25, 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 January 25, 2016, I served the following document(s):

1. Letter dated January 25, 2016, from Dave Bainbridge;
2. FPPC No. 15/1129 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

Allison Scott
Commission Member, Archeological
Commission of Mendocino County



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 25, 2016



Elizabeth Enea

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:

Allison Scott



9590 9403 0234 5146 5246 58

2. Article Number (Transfer from service label)

7012 3460 0000 2695 6193

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [Redacted Signature]

- Agent
- Addressee

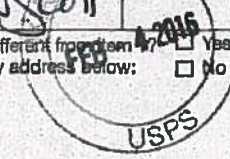
B. Received by (Printed Name)

ALLISON SCOTT

C. Date of Delivery

FEB 14 2015

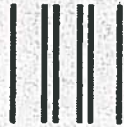
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type

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- Adult Signature Restricted Delivery
- Certified Mail®
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 8151



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Fair Political Practices Commission
 420 J street, suite 620
 Sacramento, CA 95814 8-8319

USPS TRACKING# 9590 9403 0234 5146 5246 58



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Allison Scott
Street, Apt. No.,
or PO Box No. [REDACTED]
City, State, ZIP+4 [REDACTED]

PS Form 3800, August 2006

See Reverse for Instructions

Exhibit A-3



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

January 25, 2016

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Allison Scott
[REDACTED]
[REDACTED]

In the Matter of Allison Scott; FPPC No. 15/1129

Dear Ms. Scott:

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 20, 2015, September 28, 2015 and November 5, 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 eenea@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 covering the signature of Dave Bainbridge.

Dave Bainbridge
Assistant Chief of Enforcement

Enclosures

PROBABLE CAUSE FACT SHEET

INTRODUCTION

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

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

THE LAW

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

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

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

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

THE PROCEDURE

Probable Cause Report

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

Discovery

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

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

Response to Probable Cause Report

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

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

Staff Reply

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

Probable Cause Conference

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

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

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

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

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

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

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

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

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

Probable Cause Order and Accusation

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

Continuances

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

Settlements

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

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

CONCLUSION

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

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

CALIFORNIA GOVERNMENT CODE

Probable Cause Statutes

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

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

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

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

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

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

Probable Cause Regulations

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

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

§ 18361.4. Probable Cause Proceedings

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

§ 18362. Access to 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

ALLISON SCOTT,

Respondent.

) FPPC No. 15/1129
)

) 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")¹ and Regulation 18361.4, Respondent Allison Scott was served with a copy of a report in support of a finding of probable cause ("Report") on or before February 4, 2016, in the above-entitled matter.² 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 Scott on January 25, 2016, by certified mail, with a return receipt requested, and received by Scott on or before February 4, 2016. A copy of the signed return receipt is attached as "Exhibit B".

In the cover letter dated January 25, 2016, and the attached materials, Scott was advised that she could respond in writing to the Report and orally present the case to the Hearing Officer at a probable

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

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

1 cause conference to be held in Sacramento. Scott was further advised that to have a probable cause
2 conference she needed to make a written request for a conference on or before 21 days of the date she
3 received the Report. Additionally, Scott was advised that if she 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 she submitted within 21 days of the date she was served
6 with the Report. To date, Scott 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 Scott committed four violations of the Act,
10 stated as follows:

11 Count 1: Failure to File Annual SEI

12 Scott failed to file a 2011 Annual SEI by April 1, 2012, in violation of Section 87300.

13 Count 2: Failure to File Annual SEI

14 Scott failed to file a 2012 Annual SEI by April 1, 2013, in violation of Section 87300.

15 Count 3: Failure to File Annual SEI

16 Scott failed to file a 2013 Annual SEI by April 1, 2014, in violation of Section 87300.

17 Count 4: Failure to File Annual SEI

18 Scott failed to file a 2014 Annual SEI by April 1, 2015, in violation of Section 87300.

19 Additionally, after finding probable cause exists, the Enforcement Division requests an order by
20 the Hearing Officer that an accusation be prepared against Scott and served upon her.³

21
22
23 ///
24 ///
25 ///

27 ³ Gov. Code § 11503.

1 A copy of this Request was mailed via U.S. Mail to Scott on April 19, 2016, at the last known
2 address, as follows:

3 Allison Scott
4 [REDACTED]
5 [REDACTED]

6 Dated: April 19, 2016

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION

Galena West
Chief of Enforcement

9 [REDACTED]

10
11 By ~~Dave Bainbridge~~
12 Assistant Chief
13 Enforcement Division

EXHIBIT A

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

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

11 In the Matter of

12
13 ALLISON SCOTT,

14
15 Respondent.

) FPPC No. 15/1129
)
) **REPORT IN SUPPORT OF A FINDING OF**
) **PROBABLE CAUSE**
)
) Conference Date: TBA
) Conference Time: TBA
) Conference Location: Commission Offices
428 J Street, Suite 620
Sacramento, CA 95814

16
17
18 **INTRODUCTION**

19 Respondent Allison Scott currently serves as a Commission Member on the Archeological
20 Commission of Mendocino County. The County of Mendocino Conflict of Interest Code requires
21 Archeological Commission members to periodically file a Statement of Economic Interests ("SEI")
22 disclosing all relevant economic interests. Scott failed to timely file Annual SEI's for 2011, 2012, 2013
23 and 2014 by the April 1st deadline.

24 **SUMMARY OF THE LAW**

25 All legal references and discussions of law pertain to the Act's provisions as they existed in
26 2011 to 2015.

1 Jurisdiction

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

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.² After a finding of probable cause, the
8 Commission may hold a noticed hearing in accordance with the Administrative Procedure Act³ to
9 determine whether violations occurred, and levy an administrative penalty of up to \$5,000 for each
10 violation.⁴

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.⁵

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

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

19 There are many purposes of the Act. One central purpose of the Act is to increase transparency
20 and decrease conflicts of interest in the actions of public officials by requiring disclosure of their
21

22
23 ¹ Section 83116. The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all
24 statutory references are to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18110
25 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

26 ² Section 83115.5, and Regulations 18361 and 18361.4.

27 ³ Section 11500, et seq.

28 ⁴ Section 83116, and Regulation 18361.4, subd. (e).

⁵ Section 18361.4, subd. (e).

⁶ Section 81001, subd. (h).

⁷ Section 81003.

1 financial interests.⁸ Another is to provide adequate enforcement mechanisms so that the Act will be
2 “vigorously enforced.”⁹

3 Conflict of Interest Codes

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

9 Mendocino County Conflict of Interest Code

10 Mendocino County’s Conflict of Interest Code designates Commissioners of the Archaeological
11 Commission of Mendocino County as positions that are required to file SEIs. The Mendocino County’s
12 Code requires designated officials to file an Annual SEIs by April 1st of the succeeding year.

13 Liability for Violations

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

17 **SUMMARY OF THE EVIDENCE**

18 Scott has been a Commission Member of the Archeological Commission of Mendocino County
19 since March 1, 2010. There is no record of Ms. Scott filing any of her required Annual SEIs.

20 Before referring the case to the Enforcement Division, Mendocino County Clerk notified Scott
21 two times about her duty to file a 2014 Annual SEI. These notifications were sent on April 10, 2014
22 and May 7, 2014. After Scott did not respond, the Mendocino County Clerk- Recorder referred the
23 matter to the Enforcement Division.

24 _____
25 ⁸ Section 81002, subd. (c)
26 ⁹ Section 81002, subd. (f).
27 ¹⁰ Section 87302, subd. (b).
28 ¹¹ Section 87300
¹² Sections 83116, and 83116.5.

1 The Enforcement Division attempted to contact Scott by letters sent August 20, 2015,
2 September 28, 2015 and November 5, 2015; as well as by e-mail on November 9, 2015 regarding her
3 outstanding SEIs. Scott did not respond.

4 According to the Mendocino County Clerk- Recorder, as of January 20, 2015, Scott has not
5 filed an Annual SEI for 2011, 2012, 2013, or 2014.

6 VIOLATIONS

7 Count 1: Failure to File Annual SEI

8 Scott failed to file a 2011 Annual SEI by April 1, 2012, in violation of Section 87300.

9 Count 2: Failure to File Annual SEI

10 Scott failed to file a 2012 Annual SEI by April 1, 2013, in violation of Section 87300.

11 Count 3: Failure to File Annual SEI

12 Scott failed to file a 2013 Annual SEI by April 1, 2014, in violation of Section 87300.

13 Count 4: Failure to File Annual SEI

14 Scott failed to file a 2014 Annual SEI by April 1, 2015, in violation of Section 87300.

15 OTHER RELEVANT MATERIAL

16 Scott failed to respond to notifications from the Mendocino County Clerk, as well as several
17 contact attempts by the Enforcement Division.

18 EXCULPATORY OR MITIGATING INFORMATION

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

Probable cause exists to believe that Scott violated the Act by failing to file an Annual SEI for 2011, 2012, 2013, and 2014. The Enforcement Division respectfully requests an order finding probable cause pursuant to Section 83115.5 and Regulation 18361.4.

Dated: January 25, 2016

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION
Galena West
Enforcement Chief



By: Dave Bainbridge
Assistant Chief
Enforcement Division

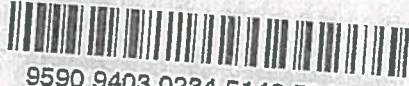
SENDER: COMPLETE THIS SECTION

- 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:

Allison Scott

[Redacted Address]



9590 9403 0234 5146 5246 58

2. Article Number (Transfer from service label)

7012 3460 0000 2695 6193

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [Redacted Signature]

- Agent
- Addressee

B. Received by (Printed Name)

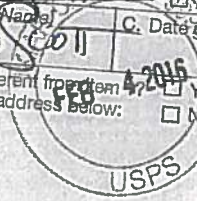
Allison Scott

C. Date of Delivery

4/21/15

D. Is delivery address different from item 1? If YES, enter delivery address below:

- Yes
- No



3. Service Type

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

Domestic Return Receipt

EXHIBIT B

Exhibit A-5

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of

ALLISON SCOTT,

Respondent.

) FPPC No. 15/1129

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

) Gov. Code § 83115.5

By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an Accusation be Prepared and Served, dated April 19, 2016, the Enforcement Division submitted the above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request For a Finding of Probable Cause and an Order that an Accusation be Prepared and Served (Ex Parte Request), the Enforcement Division served a Report in Support of a Finding of Probable Cause (PC Report) on Respondent Allison Scott concerning this matter on or before February 4, 2016, by certified mail, return receipt requested. Accompanying the PC Report was a packet of materials that informed Scott of her right to file a written response to the PC Report and to request a probable cause conference within 21 days following service of the PC Report. During the 21 days that followed service of the PC Report, Scott did not file a response to the PC Report or request a probable cause conference. Pursuant to California Code of Regulations title 2, section 18361.4, determination of probable cause may be made solely on papers submitted when the respondent does not request a probable cause conference. ¹

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

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

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."²

4 The PC Report served on Scott 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 Annual SEI

7 Scott failed to file a 2011 Annual SEI by April 1, 2012, in violation of Section 87300.

8 Count 2: Failure to File Annual SEI

9 Scott failed to file a 2012 Annual SEI by April 1, 2013, in violation of Section 87300.

10 Count 3: Failure to File Annual SEI

11 Scott failed to file a 2013 Annual SEI by April 1, 2014, in violation of Section 87300. .

12 Count 4: Failure to File Annual SEI

13 Scott failed to file a 2014 Annual SEI by April 1, 2015, in violation of Section 87300.

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

17 I therefore direct that the Enforcement Division issue an accusation against Scott in accordance
18 with this finding.

19 IT IS SO ORDERED.

20 Dated: 4/19/16

21 
22 Brian Lau, Hearing Officer
23 Fair Political Practices Commission
24
25
26

27 ² Cal. Code Reg., tit. 2, § 18361.4, subd. (e).

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

FPPC No. 15/1129 In the matter of Allison Scott

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

Ms. Allison Scott


(By Personal Service) On Tuesday, April 19, 2016, at approximately 3:15 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 April 19, 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) 322-5772
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. 15/1129
12)
13 ALLISON SCOTT,) **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.
28

1 interest code, by reference. The Archaeological Commission incorporates Regulation 18730. Therefore,
2 annual statements are due no later than April 1 of the following year, or the next business day if the
3 deadline falls on a weekend or holiday.⁷

4 10. The requirements of an agency's conflict of interest code have the force of law, and any
5 violation of those requirements is deemed a violation of the Act.⁸

6 11. The Archaeological Commission's Conflict of Interest Code designates Commissioner as
7 a position that is required to file SEIs.

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

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

18 **GENERAL FACTS**

19 13. Scott assumed office March 1, 2010 and is still serving on the Archaeological Commission.

20 14. As a designated official of the Archaeological Commission, Scott was required to file a
21 2011 Annual SEI by April 2, 2012, a 2012 Annual SEI by April 1, 2013, a 2013 Annual SEI by April 1,
22 2014, and a 2014 Annual SEI by April 1, 2015.

23 **PROCEDURAL HISTORY**

24 15. Before referring the case to the Enforcement Division, the Mendocino County Clerk-
25 Recorder notified Scott two times in writing about her duty to file a 2014 Annual SEI. These
26 notifications were sent on April 10, 2014 and May 7, 2014.

27 ⁷ Regulation 18116 subd. (a).

28 ⁸ Section 87300.

⁹ Regulation 18361.5, subd. (d).

1 16. On June 26, 2015, the Mendocino County Clerk-Recorder referred Scott to the
2 Enforcement Division for failing to file her 2014 Annual SEI.

3 17. The Enforcement Division contacted Scott by mail on August 20, 2015, September 28,
4 2015, and November 5, 2015 regarding her outstanding SEIs.

5 18. The Enforcement Division initiated the administrative action against Scott in this matter
6 by serving her 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. Scott was served with the PC Report on February 4, 2016. The information contained in
11 the packet advised Scott that she had 21 days in which to request a probable cause conference and/or to
12 file a written response to the PC Report.

13 20. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an
14 Accusation Be Prepared and Served ("Ex Parte Request"), dated April 19, 2016, the Enforcement Division
15 submitted the matter to the Hearing Officer for a determination of Probable Cause.

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

19 22. On May 10, 2016, Scott filed her 2011 Annual SEI, 2012 Annual SEI, 2013 Annual SEI,
20 and 2014 Annual SEI with the Mendocino County Clerk-Recorder.

21 VIOLATIONS

22 23. Scott committed four violations of the Act, as follows:

23 Count 1

24 Failure to Timely File a 2011 Annual SEI

25 24. Complainant incorporates paragraphs 1 – 23 of this Accusation, as though completely set
26 forth herein.

27 25. Scott, as a Commissioner on the Archaeological Commission, had a duty under the Act
28 and the Archaeological Commission's Conflict of Interest Code to file a 2011 Annual SEI with the

1 Mendocino County Clerk-Recorder by April 2, 2012. Scott failed to file a 2011 Annual SEI with the
2 Mendocino County Clerk-Recorder by April 2, 2012, in violation of Section 87300.

3 **Count 2**

4 **Failure to Timely File a 2012 Annual SEI**

5 26. Complainant incorporates paragraphs 1 – 25 of this Accusation, as though completely set
6 forth herein.

7 27. Scott, as a Commissioner on the Archaeological Commission, had a duty under the Act
8 and the Archaeological Commission's Conflict of Interest Code to file a 2012 Annual SEI with the
9 Mendocino County Clerk-Recorder by April 1, 2013. Scott failed to file a 2012 Annual SEI with the
10 Mendocino County Clerk-Recorder by April 1, 2013, in violation of Section 87300.

11 **Count 3**

12 **Failure to Timely File a 2013 Annual SEI**

13 28. Complainant incorporates paragraphs 1 – 27 of this Accusation, as though completely set
14 forth here.

15 29. Scott, as a Commissioner on the Archaeological Commission, had a duty under the Act
16 and the Archaeological Commission's Conflict of Interest Code to file a 2013 Annual SEI with the
17 Mendocino County Clerk-Recorder by April 1, 2014. Scott failed to file a 2013 Annual SEI with the
18 Mendocino County Clerk-Recorder by April 1, 2014, in violation of Section 87300.

19 **Count 4**

20 **Failure to Timely File a 2014 Annual SEI**

21 30. Complainant incorporates paragraphs 1 – 29 of this Accusation, as though completely set
22 forth here.

23 31. Scott, as a Commissioner on the Archaeological Commission, had a duty under the Act
24 and the Archaeological Commission's Conflict of Interest Code to file a 2014 Annual SEI with the
25 Mendocino County Clerk-Recorder by April 1, 2015. Scott failed to file a 2014 Annual SEI with the
26 Mendocino County Clerk-Recorder by April 1, 2015, in violation of Section 87300.

27 ///

28 ///

- 1 6. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision
2 (d), consider the following factors in framing a proposed order following a finding of a
3 violation pursuant to Section 83116: (1) the seriousness of the violation; (2) the presence or
4 absence of any intention to conceal, deceive or mislead; (3) whether the violation was
5 deliberate, negligent or inadvertent; (4) whether the violator demonstrated good faith by
6 consulting the Commission staff or any other government agency in a manner not
7 constituting a complete defense under Section 83114, subdivision (b); (5) whether the
8 violation was isolated or part of a pattern and whether the violator has a prior record of
9 violations of the Act or similar laws; and (6) whether the violator, upon learning of a
10 reporting violation, voluntarily filed amendments to provide full disclosure.
- 11 7. That the Fair Political Practices Commission grant such other and further relief as it deems
12 just and proper.

13
14 Dated: 31 Aug 16


Galena West
Chief of Enforcement
Fair Political Practices Commission

Exhibit A-7



FAIR POLITICAL PRACTICES COMMISSION

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

STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

Allison Scott

FPPC Case No. 15/1129

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, Commission Counsel, FPPC Enforcement Division, at (916) 322-7771 or 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

State of California

In the Matter of

ALLISON SCOTT

Respondent.

) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
) FPPC Case No. 15/1129
)
)
)
)
)
)

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

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

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

GROUND FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of

ALLISON SCOTT

Respondent.

) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
) FPPC Case No. 15/1129
)
)
)
)
)
)
)

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

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

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

GROUND FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip

California Government Code sections 11506 through 11508

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

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

§ 11507.3. Consolidated proceedings; Separate hearings

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

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

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

///

§ 11507.5. Exclusivity of discovery provisions

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

HISTORY: Added Stats 1968 ch 808 § 3.

§ 11507.6. Request for discovery

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

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

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

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

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

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

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

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

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

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

§ 11507.7. Motion to compel discovery; Order

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

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

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

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

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

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

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

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

§ 11508. Time and place of hearing

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

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

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

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

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

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

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

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 01/19/2017, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 15/1129: 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 4:25 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

Allison Scott
860 N. Bush Street
Ukiah, CA 95482

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 01/19/2017.


Roone Petersen

Exhibit A-8

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Manner of Service:
By personal service to **Allison Scott**.

Description:
Native, Female, 5'6", 220 lbs, 38 years old, black hair, brown eyes.



2/15/17

April Dolen
PS-61, County of Lake
NorCal Legal
2559 Lakeshore Blvd., Suite 5
Lakeport, CA 95453
707-262-0809

Exhibit A-9

SUSAN M. RANOCHAK

ASSESSOR-COUNTY CLERK-
RECORDER

REGISTRAR OF VOTERS

COMMISSIONER OF
CIVIL MARRIAGES

ASSESSOR FAX: (707) 463-6597

CLERK-RECORDER FAX: (707) 463-4257



COUNTY OF MENDOCINO

OFFICE OF ASSESSOR-COUNTY CLERK-RECORDER

501 LOW GAP ROAD, RM. 1020

UKIAH, CALIFORNIA 95482

E-MAIL: acr@co.mendocino.ca.us

ASSESSOR
(707) 234-6800

KATRINA BARTOLOMIE
ASSISTANT REGISTRAR OF
VOTERS

CLERK-RECORDER
County Clerk -Recorder
(707) 234-6822

April 10, 2014

Re: Conflict of Interest Statement
Agency: Archeological Commission
Title: Board Member

Allison Scott
860 N. Bush St.
Ukiah, CA 95482

**STATEMENT OF ECONOMIC INTERESTS
FAILURE TO FILE**

Dear Allison Scott:

According to the County Clerk's records, you have not filed your Statement of Economic Interests (Form 700) which was due on April 1, 2014. Please file immediately. The deadline cannot be extended. 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.

Should you have any questions, please feel free to contact me at 234-6808

Sincerely,

SUSAN M. RANOCHAK

By: Tim Hallman
Administrative Assistant

SUSAN M. RANOCHAK

ASSESSOR-COUNTY CLERK-
RECORDER

REGISTRAR OF VOTERS

COMMISSIONER OF
CIVIL MARRIAGES

ASSESSOR FAX: (707) 463-6597

CLERK-RECORDER FAX: (707) 463-4257



COUNTY OF MENDOCINO

OFFICE OF ASSESSOR-COUNTY CLERK-RECORDER

501 LOW GAP ROAD, RM. 1020

UKIAH, CALIFORNIA 95482

E-MAIL: acr@co.mendocino.ca.us

ASSESSOR
(707) 234-6800

KATRINA BARTOLOMIE
ASSISTANT REGISTRAR OF
VOTERS

CLERK-RECORDER
County Clerk-Recorder
(707) 234-6822

May 7, 2014

Re: Conflict of Interest Statement
Agency: Archeological Commission
Title: Board Member

Allison Scott
860 N. Bush St.
Ukiah, CA 95482

**STATEMENT OF ECONOMIC INTERESTS
FAILURE TO FILE—2ND NOTICE**

Dear Allison Scott:

According to the County Clerk's records, you have not filed your Statement of Economic Interests (Form 700) which was due on April 1, 2014. ***This is the 2nd and final notice prior to referral to the FPPC.*** Please file immediately. The deadline cannot be extended. 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.

Should you have any questions, please feel free to contact me at 234-6808

Sincerely,

SUSAN M. RANOCHAK

By: Tim Hallman
Administrative Assistant

Exhibit A-10

**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: Susan M. Ranochak Title: Assessor-County Clerk-Recorder

Address: 501 Low Gap Rd., Rm. 1020, Ukiah, CA 95482

Telephone: 707-234-6822 Fax: 707-463-4257 E-mail: ranochas@co.mendocino.ca.us

Agency: County of Mendocino

RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION
JUN 25 11:23 AM '14

II. NON-FILER INFORMATION

Name: Scott, Allison Position: Board Member

Agency: Archeological Commission, 860 N. Bush St., Ukiah, CA 95482

Address (Home): unknown

Employer: unknown

Address (Work): unknown

Telephone (Home): unknown

Telephone (Work): unknown

III. STATEMENT INFORMATION

Type of Non-Filed Statement:

- Assuming: ___/___/___ Annual 2014 Leaving ___/___/___ Date Due: 04 / 01/2014
- Assuming: ___/___/___ Annual _____ Leaving ___/___/___ Date Due: ___/___/___

Number of Prior Filings: 0 (Attach copy of most recent statement filed.) Number of Prior Late Filings: _____ (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: 04/10/2014 Written Date: 05/07/2014 Written

Date: ___/___/___ Verbal Written Date: ___/___/___ 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-11

STATEMENT OF ECONOMIC INTERESTS
 FAIR POLITICAL PRACTICES COMMISSION
COVER PAGE

FILED
 Date Received
 Official Use Only
MAY 10 2016

SUSAN M. RANOGAJAK
 MENDOCINO COUNTY CLERK
 Deputy

16 MAY 13 PM 2:35

Please type or print in ink.

NAME OF FILER (LAST) SCOTT (FIRST) ALLISON (MIDDLE) CHRISTINE

1. Office, Agency, or Court

Agency Name MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING
 Division, Board, Department, District, if applicable ARCHAEOLOGICAL COMMISSION Your Position NATIVE AMERICAN REP

► If filing for multiple positions, list below or on an attachment.

Agency: _____ Position: _____

2. Jurisdiction of Office (Check at least one box)

State Judge (Statewide Jurisdiction)
 Multi-County _____ County of MENDOCINO
 City of _____ Other _____

3. Type of Statement (Check at least one box)

Annual: The period covered is January 1, 2010, through December 31, 2010.
 -or-
 The period covered is _____ through December 31, 2010.
 Assuming Office: Date _____
 Candidate: Election Year _____ Office sought, if different than Part 1: _____
 Leaving Office: Date Left _____
 (Check one)
 The period covered is January 1, 2010, through the date of leaving office.
 The period covered is _____ through the date of leaving office.

4. Schedule Summary

Check applicable schedules or "None."
 Schedule A-1 - Investments - schedule attached
 Schedule A-2 - Investments - schedule attached
 Schedule B - Real Property - schedule attached
 Schedule C - Income, Loans, & Business Positions - schedule attached
 Schedule D - Income - Gifts - schedule attached
 Schedule E - Income - Gifts - Travel Payments - schedule attached
 -or-
 None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
 (Business or Agency Address Recommended - Public Document)
 DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS
 ()

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

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

Date Signed MARCH 28, 2010
 (month, day, year)

Signature _____
 (File the originally signed statement with your filing official.)

MAY 10 2016

COVER PAGE

RECEIVED FAIR POLITICAL PRACTICES COMMISSION

SUSAN M. RANOGAJAK MENDOCINO COUNTY CLERK Deputy

Please type or print in ink.

NAME OF FILER

(LAST)

SCOTT ALLISON 16 MAY 13 PM 2:35

CHRISTINE

1. Office, Agency, or Court

Agency Name

MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING

Division, Board, Department, District, if applicable

ARCHAEOLOGICAL COMMISSION

Your Position

NATIVE AMERICAN REPRESENTATIVE

If filing for multiple positions, list below or on an attachment.

Agency:

Position:

2. Jurisdiction of Office (Check at least one box)

State

Judge or Court Commissioner (Statewide Jurisdiction)

Multi-County

County of MENDOCINO

City of

Other

3. Type of Statement (Check at least one box)

Annual: The period covered is January 1, 2012, through December 31, 2012.

-or-

The period covered is through December 31, 2012.

Leaving Office: Date Left (Check one)

The period covered is January 1, 2012, through the date of leaving office.

Assuming Office: Date assumed

The period covered is through the date of leaving office.

Candidate: Election year and office sought, if different than Part 1:

4. Schedule Summary

Check applicable schedules or "None."

Total number of pages including this cover page:

Schedule A-1 - Investments - schedule attached

Schedule C - Income, Loans, & Business Positions - schedule attached

Schedule A-2 - Investments - schedule attached

Schedule D - Income - Gifts - schedule attached

Schedule B - Real Property - schedule attached

Schedule E - Income - Gifts - Travel Payments - schedule attached

-or-

None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE (Business or Agency Address Recommended - Public Document)

DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS (OPTIONAL)

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

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

Date Signed MARCH 21 2014 (month, day, year)

Signature [Redacted] (File the originally signed statement with your filing official)

STATEMENT OF ECONOMIC INTERESTS

FILED
Date Received
Official Use Only

MAY 10 2016

COVER PAGE

RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION

SUSAN M. RANOGHAK
MENDOCINO COUNTY CLERK
Deputy
CHRISTINE

ALLISON MAY 13 PM 2:35

Please type or print in ink.

NAME OF FILER (LAST) SCOTT (FIRST) ALLISON

1. Office, Agency, or Court

Agency Name (Do not use acronyms)
MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING
Division, Board, Department, District, if applicable ARCHAEOLOGICAL COMMISSION
Your Position NATIVE AMERICAN REPRESENTATIVE

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: _____ Position: _____

2. Jurisdiction of Office (Check at least one box)

- State
- Multi-County _____
- City of _____
- Judge or Court Commissioner (Statewide Jurisdiction)
- County of MENDOCINO
- Other _____

3. Type of Statement (Check at least one box)

- Annual: The period covered is January 1, 2013, through December 31, 2013.
- or-
- The period covered is ____/____/____, through December 31, 2013.
- Leaving Office: Date Left ____/____/____ (Check one)
- The period covered is January 1, 2013, through the date of leaving office.
- The period covered is ____/____/____, through the date of leaving office.
- Assuming Office: Date assumed ____/____/____
- Candidate: Election year _____ and office sought, if different than Part 1: _____

4. Schedule Summary

- Check applicable schedules or "None." ► Total number of pages including this cover page: _____
- Schedule A-1 - Investments - schedule attached
 - Schedule A-2 - Investments - schedule attached
 - Schedule B - Real Property - schedule attached
 - Schedule C - Income, Loans, & Business Positions - schedule attached
 - Schedule D - Income - Gifts - schedule attached
 - Schedule E - Income - Gifts - Travel Payments - schedule attached
- or-
- None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS _____ STREET _____ CITY _____ STATE _____ ZIP CODE _____
(Business or Agency Address Recommended - Public Document)

DAYTIME TELEPHONE NUMBER () _____ E-MAIL ADDRESS (OPTIONAL) _____

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

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

Date Signed MARCH 21, 2016 Signature _____
(month, day, year)

(File the original signed statement with your filing official.)

Date Initial Filing
RECEIVED
MAY 10 2016

COVER PAGE

Please type or print in ink.

NAME OF FILER

(LAST)

SCOTT

RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION

MAY 13 PM 2:35

SUSAN B. KNOCHAK
MENDOCINO COUNTY CLERK
Deputy

1. Office, Agency, or Court

Agency Name (Do not use acronyms)

MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING

Division, Board, Department, District, if applicable

ARCHAEOLOGICAL COMMISSION

Your Position

NATIVE AMERICAN REPRESENTATIVE

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: _____

Position: _____

2. Jurisdiction of Office (Check at least one box)

State

Judge or Court Commissioner (Statewide Jurisdiction)

Multi-County _____

County of Mendocino

City of _____

Other _____

3. Type of Statement (Check at least one box)

Annual: The period covered is January 1, 2014, through December 31, 2014.

Leaving Office: Date Left ____/____/____
(Check one)

-or-

The period covered is ____/____/____, through December 31, 2014.

The period covered is January 1, 2014, through the date of leaving office.

Assuming Office: Date assumed ____/____/____

The period covered is ____/____/____, through the date of leaving office.

Candidate: Election year _____ and office sought, if different than Part 1: _____

4. Schedule Summary

Check applicable schedules or "None."

► Total number of pages including this cover page: _____

Schedule A-1 - Investments - schedule attached

Schedule C - Income, Loans, & Business Positions - schedule attached

Schedule A-2 - Investments - schedule attached

Schedule D - Income - Gifts - schedule attached

Schedule B - Real Property - schedule attached

Schedule E - Income - Gifts - Travel Payments - schedule attached

-or-

None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
(Business or Agency Address Recommended - Public Document)

DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS
()

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

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

Date Signed MARCH 21, 2016
(month, day, year)

Signature _____
(File the originally signed statement with your filing official.)

Exhibit A-12



FAIR POLITICAL PRACTICES COMMISSION

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

March 10, 2017

Via Certified Mail

Allison Scott
860 N. Bush Street
Ukiah, CA 95482

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

**Re: FPPC No. 15/1129
In the Matter of Allison Scott**

Dear Ms. Scott:

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 (the "Commission") will consider these papers at its public meeting on **April 20, 2017**, and decide whether to impose the maximum administrative penalty of \$20,000 against you.

You were previously served on February 4, 2016 with a Report in Support of a Finding of Probable Cause ("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 the Probable Cause Report, the Commission's Hearing Officer found probable cause that you committed four violations of the Political Reform Act. Thereafter, the Commission's Chief of Enforcement issued an Accusation against you on these violations. The Accusation was personally served on you on February 8, 2017. 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 April 20, 2017, the Commission may impose an administrative penalty against you in the amount of \$20,000, the maximum penalty for the four violations.

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 April 20, 2017 meeting. Please contact me at (916) 322-7771 or akelly@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,



Amanda Kelly
Commission Counsel
Enforcement Division

Enclosures