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12
13 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

14 **STATE OF CALIFORNIA**

15 In the Matter of

) FPPC No.: 15/218
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16 RE-ELECT GARY MENDEZ FOR RIO
17 HONDO COLLEGE BOARD 2011 AND
18 GARY MENDEZ,

)
)
) **DEFAULT DECISION AND
ORDER**

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

19 Respondents.

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

23 Pursuant to the California Administrative Procedure Act,¹ Re-Elect Gary Mendez for Rio Hondo
24 College Board 2011 (the "Committee") and Gary Mendez ("Mendez") have been served with all of the
25 documents necessary to conduct an administrative hearing regarding the above-captioned matter,
26 including the following:

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

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

1 4. A Statement to Respondent; and,

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

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

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

16
17 Dated: 26 Jan 17


Galena West, Chief of Enforcement
Fair Political Practices Commission

1 **ORDER**

2 The Commission issues this Default Decision and Order and imposes an administrative penalty of
3 \$18,500 (Eighteen Thousand Five Hundred Dollars) upon Re-Elect Gary Mendez for Rio Hondo College
4 Board 2011 and Gary Mendez, payable to the "General Fund of the State of California."

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

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8 Dated: _____

9 _____
10 Joann Remke, Chair
11 Fair Political Practices Commission
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EXHIBIT 1

INTRODUCTION

Respondent Re-Elect Gary Mendez for Rio Hondo College Board 2011 (the "Committee") is a candidate-controlled committee to support respondent Gary Mendez ("Mendez"), Trustee Area 4 of the Rio Hondo College Board of Trustees. Mendez is also the Committee's treasurer. He is currently in office as a Trustee, and his current term will end in 2019.

The Political Reform Act (the "Act")¹ requires a candidate-controlled committee to file campaign statements at specific times to disclose information regarding contributions received and expenditures made. The Act also requires a committee to pay the Secretary of State ("SOS") an annual fee of \$50 by January 15 each year until the termination of the committee.

This matter arose out of a non-filer referral sent to the Fair Political Practices Commission's (the "Commission") Enforcement Division by the Los Angeles Registrar-Recorder/County Clerk for the Committee's and Mendez's failure to file a semi-annual campaign statement for the period of July 1, 2014 through December 31, 2014.

As a candidate-controlled committee and its candidate and treasurer, the Committee and Mendez had a duty to file a semi-annual campaign statement for the period of July 1, 2014 through December 31, 2014 by February 2, 2015, a semi-annual campaign statement for the period of July 1, 2015 through December 31, 2015 by February 1, 2016, and a semi-annual campaign statement for the period of January 1, 2016 through June 30, 2016 by July 31, 2016. The Committee and Mendez also had a duty to pay the 2014 annual fee by January 15, 2014 and the 2015 annual fee by January 15, 2015. The Committee and Mendez failed to timely file these campaign statements and failed to pay the annual fees.

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

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.

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

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.

Documents supporting the procedural history are included in the attached Certification of Records (“Certification”) filed herewith at Exhibit 1, A–1 through A–28, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against the Committee and Mendez in this matter by serving them with a Report in Support of a Finding of Probable Cause (the “Report”) (Certification, Exhibit A–1) by certified mail, return receipt requested,¹² on August 12, 2016. (Certification, Exhibit A–2.) The administrative action commenced on August 26, 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 the Committee and Mendez contained a cover letter and a memorandum describing probable cause proceedings, advising that the Committee and Mendez 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.) Neither the Committee nor Mendez requested a probable cause conference or submitted a written response to the Report.

B. Ex Parte Request for a Finding of Probable Cause

Because the Committee and Mendez 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 September 22, 2016. (Certification, Exhibit A–4.)

On September 29, 2016, Hearing Officer Jack Woodside, Senior Commission Counsel, Legal Division issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on the Committee and Mendez. (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

¹² Section 83115.5.

¹³ Regulation 18361.4, subd. (e).

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

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

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

On October 17, 2016, the Commission's Chief of Enforcement, Galena West, issued an Accusation against the Committee and Mendez 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 for each respondent, copies of Government Code Sections 11506, 11507.5, 11507.6 and 11507.7 were personally served on December 14, 2016. (Certification, Exhibit A-8.)

Along with the Accusation, the Enforcement Division served the Committee and Mendez with a "Statement to Respondent," which notified them that they could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, they would be deemed to have waived the right to a hearing. (Certification, Exhibit A-7.) Neither the Committee nor Mendez filed a Notice of Defense within the statutory time period, which ended on December 29, 2016.

As a result, on January 26, 2017, the Enforcement Division sent a letter to the Committee and Mendez advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for February 16, 2017. (Certification, Exhibit A-26.) A

¹⁴ Section 11505, subd. (a).

¹⁵ Section 11505, subd. (b).

¹⁶ Section 11505, subd. (c).

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 voters are fully informed and improper practices are inhibited by requiring all candidates, as well as the committees that support or oppose them, to disclose all contributions and expenditures made throughout a campaign.¹⁷ In furtherance of this purpose, the Act requires a controlled committee to file semi-annual campaign statements twice per year to disclose its campaign contributions and expenditures.¹⁸

Candidate-controlled committees must file semi-annual campaign statements each year no later than July 31 for the reporting period ending on June 30, and no later than January 31 of the following year for the semi-annual reporting period ending December 31.¹⁹ When a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.²⁰

Each committee required to file a statement of organization must pay SOS an annual fee of \$50 by January 15 each year until the termination of the committee.²¹ A committee that fails to timely pay the annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is required to enforce this provision of the Act.²²

SUMMARY OF THE EVIDENCE

The Committee qualified as a committee on or about September 30, 2011 when it filed a Statement of Organization with SOS, and has filed 20 campaign statements and reports. Mendez was first elected to the Rio Hondo Community College District Board of Trustees in 1999, and was re-elected in 2003, 2007, 2011, and 2015. Mendez's current term will end in 2019.

Semi-Annual Campaign Statements

The Los Angeles Registrar-Recorder/County Clerk sent letters to the Committee and Mendez on February 6, 2015 and February 25, 2015, notifying them that the semi-annual campaign statement for the period of July 1, 2014 through December 31, 2014 was past-due. (Certification, Exhibits A-9, A-10, A-11, and A-12.) Los Angeles Registrar-Recorder/County Clerk staff also left voicemails for Mendez regarding the statement on February 17, 2015 and March 10, 2015. (Certification, Exhibits A-13 and A-14.) The Committee and Mendez did not respond, and the matter was referred to the Enforcement Division on March 12, 2015. (Certification, Exhibit A-15.)

¹⁷ Section 81002, subd. (a).

¹⁸ Section 84200, subd. (a).

¹⁹ Section 84200, subd. (a).

²⁰ Regulation 18116.

²¹ Section 84101.5, subd. (c).

²² Section 84101.5, subd. (d).

The Enforcement Division sent the Committee and Mendez a letter on June 22, 2015, requesting that they file the delinquent campaign statement within 30 days. (Certification, Exhibit A-16.) The Committee and Mendez filed a semi-annual campaign statement for the period of July 1, 2014 through December 31, 2014 more than six months late on August 7, 2015. (Certification, Exhibit A-17.) That statement disclosed expenditures totaling \$34.75 and did not disclose any contributions. The statement had an ending cash balance of \$0.00.

On August 7, 2015, the Committee and Mendez also filed the semi-annual campaign statement for the period of January 1, 2015 through June 30, 2015. (Certification, Exhibit A-18.) The statement did not show any activity for the period and reported an ending cash balance of \$0.00.

The Enforcement Division attempted to contact the Committee and Mendez to resolve the matter via U.S. mail on October 29, 2015 and December 7, 2015. The Committee and Mendez failed to respond.

The Committee and Mendez failed to file semi-annual campaign statements for the periods of July 1, 2015 through December 31, 2015 and January 1, 2016 through June 30, 2016. On August 16, 2016 and August 31, 2015, the Los Angeles Registrar-Recorder/County Clerk sent letters to the Committee and Mendez regarding their duty to file a semi-annual campaign statement for the period of January 1, 2016 through June 30, 2016. (Certification, Exhibits A-19, A-20, A-21, and A-22.) Los Angeles Registrar-Recorder/County Clerk staff also left voicemails for Mendez on August 26, 2016 and September 8, 2016 regarding the statement. (Certification, Exhibits A-23 and A-24.) The Committee and Mendez did not respond, and the matter was referred to the Enforcement Division on September 15, 2016. (Certification, Exhibit A-25.)

As of January 18, 2017, the Committee and Mendez have not filed semi-annual campaign statements for the periods of July 1, 2015 through December 31, 2015 and January 1, 2016 through June 30, 2016. Mendez remains in office as Trustee Area 4 of the Rio Hondo College Board of Trustees.

Annual Fees

According to SOS, it sent the Committee and Mendez letters on November 6, 2012, December 4, 2013, November 20, 2014, November 20, 2015, and November 18, 2016, which reminded them of their duty to pay the annual fee. The Committee and Mendez did not respond, and the matter was referred to the Enforcement Division.

As of January 18, 2017, the Committee and Mendez have not paid the annual fees for 2014 or 2015, or paid the penalties for failing to timely pay the annual fees, but the Committee remains active.

VIOLATIONS

The Committee and Mendez committed five violations of the Act, as follows:

COUNT 1

Failure to Timely File a Semi-Annual Campaign Statement by February 2, 2015

The Committee and Mendez had a duty to file a semi-annual campaign statement for the period of July 1, 2014 through December 31, 2014 by February 2, 2015. By failing to timely file this statement, the Committee and Mendez violated Government Code Section 84200.

COUNT 2

Failure to Timely File a Semi-Annual Campaign Statement by February 1, 2016

The Committee and Mendez had a duty to file a semi-annual campaign statement for the period of July 1, 2015 through December 31, 2015 by February 2, 2016. By failing to timely file this statement, the Committee and Mendez violated Government Code Section 84200.

COUNT 3

Failure to Timely File a Semi-Annual Campaign Statement by August 1, 2016

The Committee and Mendez had a duty to file a semi-annual campaign statement for the period of January 1, 2016 through June 30, 2016 by August 1, 2016. By failing to timely file this statement, the Committee and Mendez violated Government Code Section 84200.

COUNT 4

Failure to Timely Pay the 2014 Annual Fee and Penalty

The Committee and Mendez had a duty to pay the 2014 annual fee to SOS by January 15, 2014. By failing to timely pay the \$50 annual fee, and failing to pay the \$150 penalty for failing to timely pay the annual fee, the Committee and Mendez violated Government Code Section 84101.5, subdivisions (c) and (d).

COUNT 5

Failure to Timely Pay the 2015 Annual Fee and Penalty

The Committee and Mendez had a duty to pay the 2015 annual fee to SOS by January 15, 2015. By failing to timely pay the \$50 annual fee, and failing to pay the \$150 penalty for failing to timely pay the annual fee, the Committee and Mendez violated Government Code Section

84101.5, subdivisions (c) and (d).

CONCLUSION

This matter consists of five counts of violating the Act, which carries a maximum administrative penalty of \$25,000.²³

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

In this matter, the Committee and Mendez failed to timely file semi-annual campaign statements and pay annual fees. The failure to comply with these obligations denied the public information about the Committee's and Mendez's contributions and expenditures. Mendez is still in office as a Rio Hondo College Board Trustee through at least November 2019.

The Committee and Mendez are well aware of their obligations to file campaign statements, yet have a history of late filing. The Committee and Mendez previously filed the semi-annual campaign statement for January 1, 2014 through June 30, 2014 late on August 29, 2014, and filed the semi-annual campaign statement for January 1, 2015 through June 30, 2015 late on August 7, 2015.

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

Counts 1-3

- *In the Matter of Vallejo Citizens Deserve Better and Richard Grant*, FPPC No. 13/1132. (The Commission approved a default decision on March 17, 2016.) The respondents filed one semi-annual campaign statement late and failed to file another semi-annual campaign statement. The Commission imposed a penalty of \$2,500 for the late-filed semi-annual campaign statement and a penalty of \$5,000 for the unfiled semi-annual campaign

²³ Section 83116, subd. (c).

statement. This is analogous to the facts in this case because the Committee and Mendez filed one semi-annual campaign statement late and failed to file two additional semi-annual campaign statements. In addition, the respondents were well aware of their obligation to file semi-annual campaign statements, and like the Committee and Mendez, they failed to timely file their statements.

Counts 4 and 5

- *In the Matter of Tina Baca Del Rio, Friends of Tina Baca Del Rio, and Tina Baca Del Rio for Commerce City Council 2013*, FPPC No. 12/832. (The Commission approved a stipulated decision on September 15, 2016.) The respondents failed to pay the annual fees and penalties to SOS for 2013 and 2014. The Commission imposed a penalty of \$2,000 per annual fee violation. This is less egregious than the instant case as the respondents reached a negotiated settlement with the Enforcement Division, while the Committee and Mendez have not responded to the Enforcement Division.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$2,500 for Count 1, a penalty of \$5,000 each for Counts 2 and 3, and a penalty of \$3,000 each for Counts 4 and 5 are recommended, for a total penalty of \$18,500.



**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. 15/218; Re-Elect Gary Mendez for Rio Hondo College Board 2011 and Gary Mendez*, 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 August 12, 2016

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated August 12, 2016, and Return Receipt received on August 26, 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 August 12, 2016

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated September 22, 2016

EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated September 29, 2016, and Proof of Service, dated October 3, 2016

- EXHIBIT A-6: Accusation, dated October 17, 2016
- EXHIBIT A-7: Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated November 29, 2016
- EXHIBIT A-8: Proof of Service on December 14, 2016 for Accusation and accompanying documents from process server, dated December 19, 2016
- EXHIBIT A-9: Letter from Los Angeles Registrar-Recorder/County Clerk to Re-Elect Gary Mendez for Rio Hondo College Board 2011, dated February 6, 2015
- EXHIBIT A-10: Letter from Los Angeles Registrar-Recorder/County Clerk to Gary Mendez, dated February 6, 2015
- EXHIBIT A-11: Letter from Los Angeles Registrar-Recorder/County Clerk to Re-Elect Gary Mendez for Rio Hondo College Board 2011, dated February 25, 2015
- EXHIBIT A-12: Letter from Los Angeles Registrar-Recorder/County Clerk to Gary Mendez, dated February 25, 2015
- EXHIBIT A-13: Call report from Los Angeles Registrar-Recorder/County Clerk regarding voicemail left for Gary Mendez on February 17, 2015
- EXHIBIT A-14: Call report from Los Angeles Registrar-Recorder/County Clerk regarding voicemail left for Gary Mendez on March 10, 2015
- EXHIBIT A-15: Non-filer referral form from Los Angeles Registrar-Recorder/County Clerk referring Gary Mendez to the Enforcement Division as a campaign statement non-filer, dated March 12, 2015
- EXHIBIT A-16: Letter from the Enforcement Division to Re-Elect Gary Mendez for Rio Hondo College Board 2011 and Gary Mendez, dated June 22, 2015
- EXHIBIT A-17: Semi-annual campaign statement for July 1, 2014 through December 31, 2014, dated August 7, 2015
- EXHIBIT A-18: Semi-annual campaign statement for January 1, 2015 through June 30, 2015, dated August 7, 2015
- EXHIBIT A-19: Letter from Los Angeles Registrar-Recorder/County Clerk to Re-Elect Gary Mendez for Rio Hondo College Board 2011, dated August 16, 2016
- EXHIBIT A-20: Letter from Los Angeles Registrar-Recorder/County Clerk to Gary Mendez, dated August 16, 2016

- EXHIBIT A-21: Letter from Los Angeles Registrar-Recorder/County Clerk to Re-Elect Gary Mendez for Rio Hondo College Board 2011, dated August 31, 2016
- EXHIBIT A-22: Letter from Los Angeles Registrar-Recorder/County Clerk to Gary Mendez, dated August 31, 2016
- EXHIBIT A-23: Call report from Los Angeles Registrar-Recorder/County Clerk regarding voicemail left for Gary Mendez on August 26, 2016
- EXHIBIT A-24: Call report from Los Angeles Registrar-Recorder/County Clerk regarding voicemail left for Gary Mendez on September 8, 2016
- EXHIBIT A-25: Non-filer referral form from Los Angeles Registrar-Recorder/County Clerk referring Gary Mendez to the Enforcement Division as a campaign statement non-filer, dated September 15, 2016
- EXHIBIT A-26: Notice of Intent to Enter into Default Decision and Order, dated January 26, 2017

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 26, 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 Attorneys for Complainant
Enforcement Division of the Fair Political Practices Commission
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8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

9 **STATE OF CALIFORNIA**

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11 In the Matter of

12
13 RE-ELECT GARY MENDEZ FOR RIO
14 HONDO COLLEGE BOARD 2011

15 Respondent.
16
17

) FPPC No. 15/218

) **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

18 **INTRODUCTION**

19 Respondent Committee Re-Elect Gary Mendez for Rio Hondo College Board 2011 (the
20 "Committee") is a controlled committee formed to elect Gary Mendez to the Rio Hondo Community
21 College District Board of Trustees. Mendez is also the committee's treasurer.

22 The Political Reform Act (the "Act")¹ requires controlled committees to file two semi-annual
23 statements each year by July 31 for the period ending June 30 and by January 31 for the period ending
24

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

1 December 31.² The Committee failed to timely file semi-annual statements for the periods ending on
2 December 31, 2014, December 31, 2015, and June 30, 2016. Each committee required to file a statement
3 of organization must pay the Secretary of State (“SOS”) an annual \$50 fee by January 15 every year until
4 the termination of the committee.³ The Committee failed to timely pay the annual fee for 2014 and 2015.

5 SUMMARY OF THE LAW

6 All legal references and discussions of law pertain to the Act’s provisions as they existed in 2014–
7 2016.

8 Jurisdiction

9 The Fair Political Practices Commission (the “Commission”) has administrative jurisdiction to
10 enforce the provisions of the Act.⁴

11 Probable Cause Proceedings

12 Prior to the Enforcement Division commencing an administrative action, the General Counsel of
13 the Commission or her designee (the “hearing officer”), must make a finding that there is probable cause
14 to believe the respondent has violated the Act.⁵ After a finding of probable cause, the Commission may
15 hold a noticed hearing in accordance with the Administrative Procedure Act⁶ to determine whether
16 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.⁷

17 Standard for Finding Probable Cause

18 To make a finding of probable cause, the hearing officer must be presented with sufficient
19 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
20 that a respondent committed or caused a violation.⁸

21 ///

22 ///

23 ² Section 84200.

24 ³ Section 84101.5, subd. (c).

25 ⁴ Section 83116.

26 ⁵ Section 83115.5, and Regulations 18361 and 18361.4.

27 ⁶ Section 11500, et seq.

28 ⁷ Section 83116, and Regulation 18361.4, subd. (e).

⁸ Section 18361.4, subd. (e).

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

2 When enacting the Political Reform Act, the people of the state of California found and declared
3 that previous laws regulating political practices suffered from inadequate enforcement by state and local
4 authorities.⁹ To that end, the Act must be liberally construed to achieve its purposes.¹⁰

5 There are many purposes of the Act. Among these purposes are to ensure voters are fully informed
6 and improper practices are inhibited by requiring all political candidates, as well as the committees that
7 support or oppose them, to disclose all contributions and expenditures made throughout a campaign.¹¹
8 Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”¹²

9 Semi-Annual Statements

10 The Act requires a controlled committee to file semi-annual statements twice per year to disclose
11 its campaign contributions and expenditures.¹³ A committee must file a semi-annual statement for the
12 period ending December 31 by January 31, or the next business day if the deadline falls on a weekend or
13 holiday.¹⁴

14 Annual Fee

15 Each committee required to file a statement of organization must pay the SOS an annual \$50 fee
16 by January 15 each year until the termination of the committee.¹⁵ A committee that fails to timely pay the
17 annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is required
18 to enforce this provision of the Act.¹⁶

19 Liability for Violations

20 Any person who violates any provision of the Act, who purposely or negligently causes any other
21 person to violate any provision of the Act, or who aids and abets any other person in the violation
22

23 ⁹ Section 81001, subd. (h).

24 ¹⁰ Section 81003.

25 ¹¹ Section 81002, subd. (a)

26 ¹² Section 81002, subd. (f).

27 ¹³ Section 84200.5 subd. (b).

28 ¹⁴ Section 84200 subd. (a) and Regulation 18116 subd. (a).

¹⁵ Section 84101.5, subd. (c).

¹⁶ Section 84101.5, subd. (d).

1 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.¹⁷ This only
2 applies to persons who have filing or reporting obligations under the Act, or who are compensated for
3 services involving the planning, organizing or directing of any activity regulated or required by the Act.¹⁸

4 SUMMARY OF THE EVIDENCE

5 The Committee qualified as a committee on or about September 30, 2011. The Committee has
6 filed 20 statements and reports total.

7 The Committee filed the semi-annual statement for the period from July 1, 2014 to December
8 31, 2014 late on August 7, 2015. On that campaign statement, the Committee reported total
9 expenditures of \$34.75. Mendez was elected to his fourth term on the Rio Hondo Community College
10 District Board of Trustees on November 3, 2015, so the committee's efforts were successful.

11 The Committee failed to pay an annual \$50 fee to SOS for 2014 and 2015 by the deadline each
12 year. Additionally, the Committee did not pay the subsequent penalties for failing to pay the annual \$50
13 fees. SOS sent the Committee multiple notices of its failure to pay the delinquent annual fees and
14 penalties. The Committee did not pay the fees or penalties, so SOS referred the matter to the
15 Enforcement Division.

16 On June 22, 2015, October 29, 2015, and December 7, 2015, the Enforcement Division sent
17 letters to the Committee regarding its failure to timely file the semi-annual statement for the period
18 from July 1, 2014 to December 31, 2014. The Committee responded to the June 22, 2015 letter by
19 filing the past due semi-annual statement on August 7, 2015. The Committee also filed the semi-annual
20 statement for the period from January 1, 2015 to June 30, 2015 on August 7, 2015. The Committee has
21 not responded to letters sent after that filing, has not filed semi-annual statements for the periods from
22 July 1, 2015 to December 31, 2015 and January 1, 2016 to June 30, 2016, and has not paid its
23 delinquent annual fees and penalties.

24 ///

25
26 ¹⁷ Sections 83116 and 83116.5.

27 ¹⁸ Section 83116.5.

1 **VIOLATION**

2 Count 1: Failure to Timely File Semi-Annual Statement

3 The Committee failed to timely file the semi-annual statement due February 2, 2015 in violation
4 of Section 84200.

5 Count 2: Failure to Timely File Semi-Annual Statement

6 The Committee failed to timely file the semi-annual statement due February 1, 2016 in violation
7 of Section 84200.

8 Count 3: Failure to Timely File Semi-Annual Statement

9 The Committee failed to timely file the semi-annual statement due July 31, 2016 in violation of
10 Section 84200.

11 Count 4: Failure to Timely Pay the 2014 Annual Fee and Penalty

12 The Committee failed to pay the 2014 annual fee by the January 15, 2014 due date and failed to
13 pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,
14 subdivisions (c) and (d).

15 Count 5: Failure to Timely Pay the 2015 Annual Fee and Penalty

16 The Committee failed to pay the 2015 annual fee by the January 15, 2015 due date and failed to
17 pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,
18 subdivisions (c) and (d).

19 **OTHER RELEVANT MATERIAL**

20 The Committee did not file the July 1, 2014 to December 31, 2014 semi-annual statement until
21 187 days after the deadline. The Committee previously filed the semi-annual statement for the period
22 from January 1, 2014 to June 30, 2014 late on August 29, 2014, and filed the semi-annual statement for
23 the period from January 1, 2015 to June 30, 2015 late on August 7, 2015.

24 **EXCULPATORY AND MITIGATING INFORMATION**

25 The Committee filed the July 1, 2014 to December 31, 2014 semi-annual statement on August 7,
26 2015, so the public ultimately received information about the Committee's activities for that period.

1 During that period, the Committee did not receive any contributions, and made expenditures of only
2 \$34.75.

3 **CONCLUSION**

4 Probable cause exists to believe that the Committee violated the Act by failing to timely file semi-
5 annual statements for the periods July 1, 2014 to December 31, 2014; July 1, 2015 to December 31, 2015;
6 and January 1, 2016 to June 30, 2016. Probable cause also exists to believe that the Committee violated
7 the Act by failing to pay the 2014 and 2015 annual fees and penalties. The Enforcement Division
8 respectfully requests an order finding probable cause pursuant to Section 83115.5 and Regulation
9 18361.4.

10
11 Dated: August 12, 2016

12
13 Respectfully Submitted,

14 **FAIR POLITICAL PRACTICES COMMISSION**
15 Galena West
16 Enforcement Chief



17
18 By: Dave Bainbridge
19 Assistant Chief
20 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 August 12, 2016, I served the following document(s):

1. Letter dated August 12, 2016 from Dave Bainbridge;
2. FPPC No. 15/218 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

Gary Mendez
Re-Elect Gary Mendez for Rio Hondo
College Board 2011

[REDACTED]
[REDACTED]

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 12, 2016.

[REDACTED]

Amanda C. Kelly

7016 1370 0000 0354 3965

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

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

OFFICIAL USE

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

Postmark
Here

Sent To	Gary Mendez
Street	Re-Elect Gary Mendez for Rio Hondo
City, State	College Board 2011
P.	[Redacted]	Instructions

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.

1. Gary Mendez
 Re-Elect Gary Mendez for Rio Hondo
 College Board 2011



9590 9403 0234 5146 5230 33

2. Article Number (Transfer from service label)

7016 1370 0000 0354 3965

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

Gary Mendez

C. Date of Delivery

8/26/16

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

3. Service Type

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

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

Domestic Return Receipt

UNITED STATES POSTAL SERVICE



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

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

X*

16 AUG 29 PM 1:44

USPS TRACKING#



9590 9403 0234 5146 5230 33

RECEIVED
 FAIR POLITICAL
 PRACTICES COMMISSION

Exhibit A-3



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

August 12, 2016

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Gary Mendez

Re-Elect Gary Mendez for Rio Hondo College Board 2011

[REDACTED]
[REDACTED]

**In the Matter of RE-ELECT GARY MENDEZ FOR RIO HONDO COLLEGE BOARD
2011; FPPC No. 15/218**

Dear Mr. Mendez:

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 October 29, 2015 and December 7, 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. The report has been filed with the Commission's General Counsel or her designee (the "Hearing Officer") and is now being served upon you.

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 Enforcement Division 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 Amanda Kelly at (916) 322-7771 or akelly@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,



Dave Bainbridge
Assistant Chief
Enforcement Division

Enclosures

DB: ack

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

) FPPC No. 15/218

RE-ELECT GARY MENDEZ FOR RIO HONDO COLLEGE BOARD 2011 AND GARY MENDEZ,) EX PARTE REQUEST FOR A FINDING OF PROBABLE CAUSE AND AN ORDER THAT AN ACCUSATION BE PREPARED AND SERVED

Respondents.

) Gov. Code § 83115.5

TO THE 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, Respondents Gary Mendez ("Mendez") and Re-Elect Gary Mendez for Rio Hondo College Board 2011 (the "Committee") were served with a copy of a report in support of a finding of probable cause ("Report") 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 Mendez and the Committee on August 12, 2016, by certified mail, with a return receipt requested, and received by Mendez and the Committee on August 26, 2016. A copy of the return receipt is attached as "Exhibit B."

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 In the cover letter dated August 12, 2016, and the attached materials, Mendez and the Committee
2 were advised that they could respond in writing to the Report and orally present the case to the Hearing
3 Officer at a probable cause conference to be held in Sacramento. Mendez and the Committee were further
4 advised that in order to have a probable cause conference, they needed to make a written request for one
5 on or before 21 days of the date they received the Report. Additionally, Mendez and the Committee were
6 advised that if they did not request a probable cause conference, such a conference would not be held and
7 probable cause would be determined based solely on the Report and any written response that they
8 submitted within 21 days of the date they were served with the Report. To date, neither Mendez nor the
9 Committee has submitted a written response or requested a probable cause conference.

10 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by the
11 Hearing Officer that probable cause exists to believe that Mendez and the Committee committed five
12 violations of the Act, stated as follows:

13 Count 1: Mendez and the Committee failed to timely file the semi-annual statement due February
14 2, 2015, in violation of Section 84200.

15 Count 2: Mendez and the Committee failed to timely file the semi-annual statement due February
16 1, 2016, in violation of Section 84200.

17 Count 3: Mendez and the Committee failed to timely file the semi-annual statement due July 31,
18 2016, in violation of Section 84200.

19 Count 4: Mendez and the Committee failed to pay the 2014 Annual Fee by the January 15, 2014
20 deadline and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in
21 violation of Section 84101.5, subdivisions (c) and (d).

22 Count 5: Mendez and the Committee failed to pay the 2015 Annual Fee by the January 15, 2015
23 deadline and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in
24 violation of Section 84101.5, subdivisions (c) and (d).

25 ///

26 ///

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 Attorneys 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) FPPC No. 15/218
12)
13 RE-ELECT GARY MENDEZ FOR RIO) **REPORT IN SUPPORT OF A FINDING OF**
HONDO COLLEGE BOARD 2011) **PROBABLE CAUSE**
14) Conference Date: TBA
15) Conference Time: TBA
16 Respondent.) Conference Location: Commission Offices
428 J Street, Suite 620
Sacramento, CA 95814
17)

18 **INTRODUCTION**

19 Respondent Committee Re-Elect Gary Mendez for Rio Hondo College Board 2011 (the
20 "Committee") is a controlled committee formed to elect Gary Mendez to the Rio Hondo Community
21 College District Board of Trustees. Mendez is also the committee's treasurer.

22 The Political Reform Act (the "Act")¹ requires controlled committees to file two semi-annual
23 statements each year by July 31 for the period ending June 30 and by January 31 for the period ending
24

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

1 December 31.² The Committee failed to timely file semi-annual statements for the periods ending on
2 December 31, 2014, December 31, 2015, and June 30, 2016. Each committee required to file a statement
3 of organization must pay the Secretary of State (“SOS”) an annual \$50 fee by January 15 every year until
4 the termination of the committee.³ The Committee failed to timely pay the annual fee for 2014 and 2015.

5 SUMMARY OF THE LAW

6 All legal references and discussions of law pertain to the Act’s provisions as they existed in 2014–
7 2016.

8 Jurisdiction

9 The Fair Political Practices Commission (the “Commission”) has administrative jurisdiction to
10 enforce the provisions of the Act.⁴

11 Probable Cause Proceedings

12 Prior to the Enforcement Division commencing an administrative action, the General Counsel of
13 the Commission or her designee (the “hearing officer”), must make a finding that there is probable cause
14 to believe the respondent has violated the Act.⁵ After a finding of probable cause, the Commission may
15 hold a noticed hearing in accordance with the Administrative Procedure Act⁶ to determine whether
16 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.⁷

17 Standard for Finding Probable Cause

18 To make a finding of probable cause, the hearing officer must be presented with sufficient
19 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
20 that a respondent committed or caused a violation.⁸

21 ///

22 ///

23 ² Section 84200.

24 ³ Section 84101.5, subd. (c).

25 ⁴ Section 83116.

26 ⁵ Section 83115.5, and Regulations 18361 and 18361.4.

27 ⁶ Section 11500, et seq.

28 ⁷ Section 83116, and Regulation 18361.4, subd. (e).

⁸ Section 18361.4, subd. (e).

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

2 When enacting the Political Reform Act, the people of the state of California found and declared
3 that previous laws regulating political practices suffered from inadequate enforcement by state and local
4 authorities.⁹ To that end, the Act must be liberally construed to achieve its purposes.¹⁰

5 There are many purposes of the Act. Among these purposes are to ensure voters are fully informed
6 and improper practices are inhibited by requiring all political candidates, as well as the committees that
7 support or oppose them, to disclose all contributions and expenditures made throughout a campaign.¹¹
8 Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”¹²

9 Semi-Annual Statements

10 The Act requires a controlled committee to file semi-annual statements twice per year to disclose
11 its campaign contributions and expenditures.¹³ A committee must file a semi-annual statement for the
12 period ending December 31 by January 31, or the next business day if the deadline falls on a weekend or
13 holiday.¹⁴

14 Annual Fee

15 Each committee required to file a statement of organization must pay the SOS an annual \$50 fee
16 by January 15 each year until the termination of the committee.¹⁵ A committee that fails to timely pay the
17 annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is required
18 to enforce this provision of the Act.¹⁶

19 Liability for Violations

20 Any person who violates any provision of the Act, who purposely or negligently causes any other
21 person to violate any provision of the Act, or who aids and abets any other person in the violation
22

23 ⁹ Section 81001, subd. (h).

24 ¹⁰ Section 81003.

25 ¹¹ Section 81002, subd. (a)

26 ¹² Section 81002, subd. (f).

27 ¹³ Section 84200.5 subd. (b).

28 ¹⁴ Section 84200 subd. (a) and Regulation 18116 subd. (a).

¹⁵ Section 84101.5, subd. (c).

¹⁶ Section 84101.5, subd. (d).

1 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.¹⁷ This only
2 applies to persons who have filing or reporting obligations under the Act, or who are compensated for
3 services involving the planning, organizing or directing of any activity regulated or required by the Act.¹⁸

4 **SUMMARY OF THE EVIDENCE**

5 The Committee qualified as a committee on or about September 30, 2011. The Committee has
6 filed 20 statements and reports total.

7 The Committee filed the semi-annual statement for the period from July 1, 2014 to December
8 31, 2014 late on August 7, 2015. On that campaign statement, the Committee reported total
9 expenditures of \$34.75. Mendez was elected to his fourth term on the Rio Hondo Community College
10 District Board of Trustees on November 3, 2015, so the committee's efforts were successful.

11 The Committee failed to pay an annual \$50 fee to SOS for 2014 and 2015 by the deadline each
12 year. Additionally, the Committee did not pay the subsequent penalties for failing to pay the annual \$50
13 fees. SOS sent the Committee multiple notices of its failure to pay the delinquent annual fees and
14 penalties. The Committee did not pay the fees or penalties, so SOS referred the matter to the
15 Enforcement Division.

16 On June 22, 2015, October 29, 2015, and December 7, 2015, the Enforcement Division sent
17 letters to the Committee regarding its failure to timely file the semi-annual statement for the period
18 from July 1, 2014 to December 31, 2014. The Committee responded to the June 22, 2015 letter by
19 filing the past due semi-annual statement on August 7, 2015. The Committee also filed the semi-annual
20 statement for the period from January 1, 2015 to June 30, 2015 on August 7, 2015. The Committee has
21 not responded to letters sent after that filing, has not filed semi-annual statements for the periods from
22 July 1, 2015 to December 31, 2015 and January 1, 2016 to June 30, 2016, and has not paid its
23 delinquent annual fees and penalties.

24 ///

25
26 ¹⁷ Sections 83116 and 83116.5.

27 ¹⁸ Section 83116.5.

1 **VIOLATION**

2 Count 1: Failure to Timely File Semi-Annual Statement

3 The Committee failed to timely file the semi-annual statement due February 2, 2015 in violation
4 of Section 84200.

5 Count 2: Failure to Timely File Semi-Annual Statement

6 The Committee failed to timely file the semi-annual statement due February 1, 2016 in violation
7 of Section 84200.

8 Count 3: Failure to Timely File Semi-Annual Statement

9 The Committee failed to timely file the semi-annual statement due July 31, 2016 in violation of
10 Section 84200.

11 Count 4: Failure to Timely Pay the 2014 Annual Fee and Penalty

12 The Committee failed to pay the 2014 annual fee by the January 15, 2014 due date and failed to
13 pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,
14 subdivisions (c) and (d).

15 Count 5: Failure to Timely Pay the 2015 Annual Fee and Penalty

16 The Committee failed to pay the 2015 annual fee by the January 15, 2015 due date and failed to
17 pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,
18 subdivisions (c) and (d).

19 **OTHER RELEVANT MATERIAL**

20 The Committee did not file the July 1, 2014 to December 31, 2014 semi-annual statement until
21 187 days after the deadline. The Committee previously filed the semi-annual statement for the period
22 from January 1, 2014 to June 30, 2014 late on August 29, 2014, and filed the semi-annual statement for
23 the period from January 1, 2015 to June 30, 2015 late on August 7, 2015.

24 **EXCULPATORY AND MITIGATING INFORMATION**

25 The Committee filed the July 1, 2014 to December 31, 2014 semi-annual statement on August 7,
26 2015, so the public ultimately received information about the Committee's activities for that period.
27

1 During that period, the Committee did not receive any contributions, and made expenditures of only
2 \$34.75.

3 **CONCLUSION**

4 Probable cause exists to believe that the Committee violated the Act by failing to timely file semi-
5 annual statements for the periods July 1, 2014 to December 31, 2014; July 1, 2015 to December 31, 2015;
6 and January 1, 2016 to June 30, 2016. Probable cause also exists to believe that the Committee violated
7 the Act by failing to pay the 2014 and 2015 annual fees and penalties. The Enforcement Division
8 respectfully requests an order finding probable cause pursuant to Section 83115.5 and Regulation
9 18361.4.

10
11 Dated: August 12, 2016

12
13 Respectfully Submitted,

14 **FAIR POLITICAL PRACTICES COMMISSION**
15 Galena West
16 Enforcement Chief

17 
18 By: Dave Bainbridge
19 Assistant Chief
20 Enforcement Division


SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> ■ 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. <p>1. Gary Mendez Re-Elect Gary Mendez for Rio Hondo College Board 2011 [REDACTED ADDRESS]</p>	<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <table border="1" data-bbox="852 735 1339 808"> <tr> <td>B. Received by (Printed Name) <i>Gary Mendez</i></td> <td>C. Date of Delivery <i>8/26/16</i></td> </tr> </table> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	B. Received by (Printed Name) <i>Gary Mendez</i>	C. Date of Delivery <i>8/26/16</i>														
B. Received by (Printed Name) <i>Gary Mendez</i>	C. Date of Delivery <i>8/26/16</i>																
 9590 9403 0234 5146 5230 33	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Mail Restricted Delivery (0)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Mail Restricted Delivery (0)	
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<p>PS Form 3811, April 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>																	

EXHIBIT B

Exhibit A-5

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3

4 In the Matter of) FPPC No. 15/218

5)

6 RE-ELECT GARY MENDEZ FOR RIO) FINDING OF PROBABLE CAUSE AND

7 HONDO COLLEGE BOARD 2011) ORDER TO PREPARE AND SERVE AN

8 AND GARY MENDEZ.) ACCUSATION

9 Respondents.) Gov. Code § 83115.5

10)

11 By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an

12 Accusation Be Prepared and Served, dated September 22, 2016, the Enforcement Division submitted the

13 above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex

14 Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served

15 (“Ex Parte Request”), the Enforcement Division served a Report in Support of a Finding of Probable

16 Cause (“PC Report”) on Respondents Gary Mendez (“Mendez”) and Re-Elect Gary Mendez for Rio

17 Hondo College Board 2011 (the “Committee”) concerning this matter on August 26, 2016, by certified

18 mail, return receipt requested. Accompanying the PC Report was a packet of materials that informed

19 Mendez and the Committee of their right to file a written response to the PC Report and to request a

20 probable cause conference within 21 days following service of the PC Report. During the 21 days that

21 followed service of the PC Report, Mendez and the Committee did not file a response to the PC Report or

22 request a probable cause conference. Pursuant to California Code of Regulations title 2, section 18361.4,

23 determination of probable cause may be made solely on papers submitted when the respondent does not

24 request a probable cause conference.¹

25 In making a probable cause determination, it is the duty of the Hearing Officer of the Fair Political

26 Practices Commission to determine whether probable cause exists to believe that a respondent violated

27 ¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. The regulations of

28 the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of

Regulations.

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

3 Probable cause to believe a violation has occurred can be found to exist when “the evidence is
4 sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that
5 the proposed respondent(s) committed or caused a violation.”²

6 The PC Report served on Mendez and the subsequent Ex Parte Request in this matter alleges five
7 violations of the Political Reform Act were committed, as follows:

8 Count 1: Mendez and the Committee failed to timely file the semi-annual statement due February
9 2, 2015, in violation of Section 84200.

10 Count 2: Mendez and the Committee failed to timely file the semi-annual statement due February
11 1, 2016, in violation of Section 84200.

12 Count 3: Mendez and the Committee failed to timely file the semi-annual statement due July 31,
13 2016, in violation of Section 84200.

14 Count 4: Mendez and the Committee failed to pay the 2014 Annual Fee by the January 15, 2014
15 deadline and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in
16 violation of Section 84101.5, subdivisions (c) and (d).

17 Count 5: Mendez and the Committee failed to pay the 2015 Annual Fee by the January 15, 2015
18 deadline and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in
19 violation of Section 84101.5, subdivisions (c) and (d).

20 Based on the Ex Parte Request given to me, I find that notice has been given to Mendez and the
21 Committee.³ I further find, based on the PC Report and the Ex Parte Request, that there is probable cause
22 to believe Mendez and the Committee violated the Political Reform Act as alleged in Counts 1–5, as
23 identified above.

24 ///

25 ///

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).

1 I therefore direct that the Enforcement Division issue an accusation against Mendez and the
2 Committee in accordance with this finding.

3 IT IS SO ORDERED.

4
5 Dated: 9-29-16



6 Jack Woodside, Hearing Officer
7 Fair Political Practices Commission

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FPPC No. 15/218, In the matter of Re-Elect Gary Mendez for Rio Hondo College Board 2011 and Gary Mendez

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814. On the date below, I served the following document:

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

MANNER OF SERVICE

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

SERVICE LIST

Mr. Gary Mendez
Gary Mendez for Rio Hondo College Board 2011

[REDACTED]
[REDACTED]

(By Personal Service) On Monday, October 03, 2016, at approximately 1:15 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 October 3, 2016.

[REDACTED]

Sheva Tabatabainejad

Exhibit A-6

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

6 Attorneys for Complainant

7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10

11 In the Matter of) FPPC No. 15/218
12)
13 RE-ELECT GARY MENDEZ FOR RIO) **ACCUSATION**
14 HONDO COLLEGE BOARD 2011 AND)
GARY MENDEZ,)
15) (Gov. Code §11503)
16 Respondents.)
17

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

20 **JURISDICTION**

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

23 2. The authority to bring this action is derived from Title 2, California Code of Regulations,
24 Sections 18361 and 18361.4, subdivision (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
26 the 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 following year for the semi-annual reporting period ending December 31.⁶ When a filing deadline falls
2 on a Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.⁷

3 **B. Duty to Pay the Annual Fee**

4 10. Each committee required to file a statement of organization must pay the Secretary of
5 State ("SOS") an annual \$50 fee by January 15 each year until the termination of the committee.⁸ A
6 committee that fails to timely pay the annual fee is subject to a penalty equal to three times the amount
7 of the fee. The Commission is required to enforce this provision of the Act.⁹

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

9 11. 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
13 inadvertent; (4) Whether the violator demonstrated good faith by consulting the Commission staff or any
14 other government agency in a manner not constituting a complete defense under Section 83114(b); (5)
15 Whether the violation was isolated or part of a pattern and whether the violator has a prior record of
16 violations of the Act or similar laws; and (6) Whether the violator, upon learning of a reporting
17 violation, voluntarily filed amendments to provide full disclosure.¹⁰

18 **GENERAL FACTS**

19 12. The Committee qualified as a committee on or about September 30, 2011. The
20 Committee has filed 20 statements and reports total. Mendez was elected to his fourth term on the Rio
21 Hondo Community College District Board of Trustees on November 3, 2015.

22 13. The Committee's semi-annual statement for the period of July 1, 2014 to December 31,
23 2014 was filed late on August 7, 2015. That statement reported total expenditures of \$34.75.

24 14. As of October 5, 2016, the Committee and Mendez have not filed semi-annual statements
25 for the periods of July 1, 2015 to December 31, 2015 and January 1, 2016 to June 30, 2016.

26 ⁶ Section 84200, subd. (a).

27 ⁷ Regulation 18116.

28 ⁸ Section 84101.5, subd. (c).

⁹ Section 84101.5, subd. (d).

¹⁰ Reg. 18361.5, subd. (d).

1 Mendez violated the Act and directed the Enforcement Division to issue an accusation against the
2 Committee and Mendez in accordance with the finding.

3 **VIOLATIONS**

4 23. The Committee and Mendez committed five violations of the Act as follows:

5 **Count 1**

6 **Failure to Timely File a Semi-Annual Statement**

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

9 25. The Committee and Mendez failed to timely file the semi-annual statement due February
10 2, 2015, in violation of Section 84200.

11 **Count 2**

12 **Failure to Timely File a Semi-Annual Statement**

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

15 27. The Committee and Mendez failed to timely file the semi-annual statement due February
16 1, 2016, in violation of Section 84200.

17 **Count 3**

18 **Failure to Timely File a Semi-Annual Statement**

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

21 29. The Committee and Mendez failed to timely file the semi-annual statement due July 31,
22 2016, in violation of Section 84200.

23 **Count 4**

24 **Failure to Timely Pay the 2014 Annual Fee and Penalty**

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

Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the Political Reform Act alleged in **Count 1**;

3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order Committee and Mendez to pay a monetary penalty of at least One Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the Political Reform Act alleged in **Count 2**;

4. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order Committee and Mendez to pay a monetary penalty of at least One Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the Political Reform Act alleged in **Count 3**;

5. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order Committee and Mendez to pay a monetary penalty of at least One Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the Political Reform Act alleged in **Count 4**;

6. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order Committee and Mendez to pay a monetary penalty of at least One Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the Political Reform Act alleged in **Count 5**;

7. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision (d), consider the following factors in framing a proposed order following a finding of a violation pursuant to Section 83116: (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 government agency in a manner not constituting a complete defense under Section 83114, subdivision (b); (5) whether the violation was isolated or part of a pattern and whether the violator has a prior record of violations of the Act or similar laws; and (6) whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

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



Dated: 17 Oct 16

Galeña West
Chief of Enforcement
Fair Political Practices Commission

Exhibit A-7



FAIR POLITICAL PRACTICES COMMISSION

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

STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

*Re-Elect Gary Mendez for Rio Hondo College Board 2011 and Gary Mendez
FPPC Case No. 15/218*

Enclosed is an Accusation, which was filed with the Fair Political Practices Commission (the "FPPC") and which is hereby served upon you, along with two copies of a Notice of Defense and Government Code Sections 11506 through 11508.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the FPPC within 15 days after the Accusation was served on you, the FPPC may proceed upon the Accusation without a hearing. The request for a hearing may be made by delivering or mailing the enclosed form entitled Notice of Defense, or by delivering or mailing a notice of defense as provided by Section 11506 of the Government Code to the Commission Assistant at the FPPC.

You may, but need not, be represented by counsel at any or all stages of these proceedings.

If you desire a list of the names and addresses of witnesses against you, or an opportunity to inspect and copy the items mentioned in Section 11507.6 of the Government Code that are in the possession, custody, or control of this agency, or if you wish to discuss the possibility of resolving this matter without a formal hearing, you may contact Amanda Kelly, Graduate Legal Assistant, Enforcement Division, at (916) 322-7771 or at akelly@fppc.ca.gov.

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)	NOTICE OF DEFENSE
)	(Pursuant to Gov. Code § 11506)
)	
RE-ELECT GARY MENDEZ FOR RIO)	FPPC Case No. 15/218
HONDO COLLEGE BOARD 2011)	
AND GARY MENDEZ,)	
)	
)	
Respondents.)	
)	

Gary Mendez, 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

RE-ELECT GARY MENDEZ FOR RIO
HONDO COLLEGE BOARD 2011
AND GARY MENDEZ,

Respondents.

) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
) FPPC Case No. 15/218
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Gary Mendez, a respondent named in the above entitled proceeding, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

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

GROUNDS FOR NOTICE OF DEFENSE

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

- 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

RE-ELECT GARY MENDEZ FOR RIO
HONDO COLLEGE BOARD 2011
AND GARY MENDEZ,

Respondents.

) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
) FPPC Case No. 15/218
)
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Re-Elect Gary Mendez for Rio Hondo College Board 2011, a respondent named in the above entitled proceeding, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

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

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of)	NOTICE OF DEFENSE
)	(Pursuant to Gov. Code § 11506)
)	
RE-ELECT GARY MENDEZ FOR RIO)	FPPC Case No. 15/218
HONDO COLLEGE BOARD 2011)	
AND GARY MENDEZ,)	
)	
)	
Respondents.)	
)	

Re-Elect Gary Mendez for Rio Hondo College Board 2011, 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.

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§ 11507.5. Exclusivity of discovery provisions

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

HISTORY: Added Stats 1968 ch 808 § 3.

§ 11507.6. Request for discovery

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

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

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

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

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

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

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

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

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

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

§ 11507.7. Motion to compel discovery; Order

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

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

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

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

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

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

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

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

§ 11508. Time and place of hearing

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

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

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

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

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

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

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

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 11/29/16, I served the following document(s):

- 1. Statement to Respondent;
- 2. FPPC Case No. 15/218: Accusation;
- 3. Notice of Defense (Two Copies per Respondent);
- 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 10:55 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

Gary Mendez
Re-Elect Gary Mendez for Rio Hondo College
Board 2011



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 11/29/16.



Roone Peterson

Exhibit A-8

ATTORNEY OR PARTY WITHOUT ATTORNEY: Fair Political Practices Commission 428 J Street, Suite 620 Sacramento, CA 95814 TELEPHONE NO.: (916) 322-7643 ATTORNEY FOR:	FOR COURT USE ONLY
FAIR POLITICAL PRACTICES COMMISSION COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: Fair Political Practices Commission DEFENDANT: Re-Elect Gary Mendez for Rio Hondo College Board 2011 and Gary Mendez	CASE NUMBER: 15/218
PROOF OF SERVICE	Ref. No. or File No.: 15/2018

1. I am over 18 years of age and not a party to this action.
2. Received by GSI to be served on **Gary Mendez, 3600 Workman Mill Rd., Whittier, CA 90601.**
3. At the time of service I was at least 18 years of age and not a party to this action. I served copies of the Accusation
 - a. Party Served: Gary Mendez
 - b. Person Served: Gary Mendez,
 - c. Address: 3600 Workman Mill Rd., Whittier, CA 90601 (Work)

4. Date and Time of service: 12/14/2016 at 8:50 pm

5. I am a registered California process server.

6. My name, address, telephone number, and, if applicable, county of registration and number are:

Name: George Sano

Firm: GSI

Address: [REDACTED]

Telephone number: [REDACTED]

Registration Number: PSC2623

County: Orange

The fee for the service was: \$130.00

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

Date: 12-19-16

George Sano

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

[REDACTED SIGNATURE]

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

Exhibit A-9

Past Due Notice

FILING PERIOD: 1 DUE DATE: 02/02/15 COVERING DATES: 07/01/14 TO 12/31/14

ELECTION ID: S115 HELD: 12/31/14

ELECTION NAME: SEMI ANNUAL FILING 2014 SECOND HALF

R-R CONTROL NO.: C09319 STATE ID NO.: 0001341282

This is a reminder that your campaign statement is PAST DUE. Your statement was due on February 2, 2015, and you may be subject to a \$10.00 per day fine (Government Code § 91013). If you need additional assistance, please call the Campaign Finance Section at (562) 462-2339.

Los Angeles County Registrar-Recorder/County Clerk
Campaign Finance Section
12400 Imperial Highway, Room 2003
Norwalk, California 90650

GARY MENDEZ
RE-ELECT GARY MENDEZ FOR RIO HONDO
COLLEGE BOARD 2011

[REDACTED]

CS01

JY
CC

Exhibit A-10

Past Due Notice

FILING PERIOD: 1 DUE DATE: 02/02/15 COVERING DATES: 07/01, 14 TO 12/31/14

ELECTION ID: S115 HELD: 12/31/14

ELECTION NAME: SEMI ANNUAL FILING 2014 SECOND HALF

OFFICE: RIO HONDO COMM COLL DIST GOVERNING BOARD MEMBER PARTY:

R-R CONTROL NO.: 012467

This is a reminder that your campaign statement is PAST DUE. Your statement was due on February 2, 2015, and you may be subject to a \$10.00 per day fine (Government Code § 91013). If you need additional assistance, please call the Campaign Finance Section at (562) 462-2339.

Los Angeles County Registrar-Recorder/County Clerk
Campaign Finance Section
12400 Imperial Highway, Room 2003
Norwalk, California 90650

GARY MENDEZ

[REDACTED]

CS01

24
CC

Exhibit A-11

(FILE COPY)

Notice Of Past Due Filing

FILING PERIOD: 1 DUE DATE: 02/02/15 COVERING DATES: 07/01/14 TO 12/31/14

ELECTION ID: S115 HELD: 12/31/14

ELECTION NAME: SEMI ANNUAL FILING 2014 SECOND HALF

R-R CONTROL NO.: C09319 STATE ID NO.: 0001341282

DATE TO BE REFERRED TO FPPC: 03/10/15

Your campaign statement is PAST DUE. If a statement is filed after any deadline imposed by this act, any person shall, in addition to any other penalties be liable in the amount of \$10 per day until it is received. Your statement must be received within ten days from the date of this written notice. A late filing penalty cannot be waived if the statement is filed after this date (Govt. Code § 91013). If it is not received within two weeks from the date of this notice you will be referred to the Fair Political Practices Enforcement Division. (GC § 81010(d)). Send your statement immediately to the Campaign Finance Section or call (562) 462-2339. (Please see reverse side.)

GARY MENDEZ
RE-ELECT GARY MENDEZ FOR RIO HONDO
COLLEGE BOARD 2011

[REDACTED]
[REDACTED]

CS02

2/24

Exhibit A-12

(FILE COPY)

Notice Of Past Due Filing

FILING PERIOD: 1 DUE DATE: 02/02/15 COVERING DATES: 07/01/14 TO 12/31/14

ELECTION ID: S115 HELD: 12/31/14

ELECTION NAME: SEMI ANNUAL FILING 2014 SECOND HALF

OFFICE: RIO HONDO COMM COLL DIST GOVERNING BOARD MEMBER PARTY:

R-R CONTROL NO.: 012467

DATE TO BE REFERRED TO FPPC: 03/10/15

Your campaign statement is PAST DUE. If a statement is filed after any deadline imposed by this act, any person shall, in addition to any other penalties be liable in the amount of \$10 per day until it is received. Your statement must be received within ten days from the date of this written notice. A late filing penalty cannot be waived if the statement is filed after this date (Govt. Code § 91013). If it is not received within two weeks from the date of this notice you will be referred to the Fair Political Practices Enforcement Division. (GC § 81010(d)). Send your statement immediately to the Campaign Finance Section or call (562) 462-2339. (Please see reverse side.)

GARY MENDEZ

[REDACTED]

CS02

JR
CC

Exhibit A-13



CAMPAIGN FINANCE DISCLOSURE SECTION CALL REPORT FOR JAMIE

DATE OF CALL: 2/17/2015 Outgoing Call
CALLER NAME: Left voicemail
CAND/COMM/MD NAME: Gary Mendez
ELECTION ID: S115
CONTROL NUMBER: 012467
CFD STAFF NAME: Jamie
TYPE OF CALL: Non Filer

SUB-TYPE:

CALL DURATION: 1 MINUTE(S)

CALL SUMMARY: Hello, my name is Jamie, and I am calling from the Registrar Recorder's Campaign Finance Section. This call is regarding your campaign statement that was due on February 2, 2015. Your statement is already in the penalty phase and will soon be referred to the Fair Political Practices Commission for enforcement. Please file your campaign statement or contact our office as soon as possible. Our number is 562-462-2339; fax number 562-651-2548. Thank you.

ACTION/RESOLUTION:

Exhibit A-14



CAMPAIGN FINANCE DISCLOSURE SECTION

CALL REPORT FOR JAMIE

DATE OF CALL: 3/10/2015 Outgoing Call
CALLER NAME: Left voicemail
CAND/COMM/MD NAME: Gary Mendez
ELECTION ID: S115
CONTROL NUMBER: 012467
CFD STAFF NAME: Jamie
TYPE OF CALL: Non-Filer

SUB-TYPE:

CALL DURATION: 1 MINUTE(S)

CALL SUMMARY: Hello, my name is Jamie, and I am calling from the Registrar Recorder's Campaign Finance Section. This call is regarding your campaign statement that was due on February 2, 2015. Your statement is already in the penalty phase and will soon be referred to the Fair Political Practices Commission for enforcement. Please file your campaign statement or contact our office as soon as possible. Our number is 562-462-2339; fax number 562-651-2548. Thank you.

ACTION/RESOLUTION:

Exhibit A-15

LOS ANGELES REGISTRAR-RECORDER/COUNTY CLERK

MAILING DATE: 03/12/15

FAIR POLITICAL PRACTICES COMMISSION REFERRAL

REFERRAL NO.: D15023

FILING PERIOD: 1 DUE DATE: 02/02/15 COVERING DATES: 07/01/14 TO 12/31/14

ELECTION ID: S115 HELD: 12/31/14

ELECTION NAME: SEMI ANNUAL FILING 2014 SECOND HALF

R-R CONTROL NO.: 012467 PARTY:

The attached case file is being referred to your office for appropriate action pursuant to Government Code Section 81010 (d). After two requests for compliance, the required campaign statement has not yet been filed.

If you have any questions, please contact the Campaign Finance and Proposition B Section at (562) 462-2339.

GARY MENDEZ
RIO HONDO COMM COLL DIST GOVERNING BOARD MEMBER
[REDACTED]

RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION
15 MAR 15 PM 1:57

CF02


LOS ANGELES REGISTRAR-RECORDER/COUNTY CLERK

MAILING DATE: 03/12/15

FAIR POLITICAL PRACTICE COMMISSION REFERRAL REFERRAL NO.: D15023
FILING PERIOD: 1 DUE DATE: 02/02/15 COVERING DATES: 07/01/14 TO 12/31/14
ELECTION ID: S115 HELD: 12/31/14
ELECTION NAME: SEMI ANNUAL FILING 2014 SECOND HALF
R-R CONTROL NO.: C09319 STATE ID NO.: 0001341282

The attached case file is being referred to your office for appropriate action pursuant to Government Code Section 81010 (d). After two requests for compliance, the required campaign statement has not yet been filed.

If you have any questions, please contact the Campaign Finance and Proposition B Section at (562) 462-2339.

GARY MENDEZ
RE-ELECT GARY MENDEZ FOR RIO HONDO
COLLEGE BOARD 2011


CF02

**CAMPAIGN DISCLOSURE STATEMENTS
NON-FILER ENFORCEMENT REFERRAL**

In order to expedite the enforcement referral; please complete the information below

I. Filing Officer

Contact Person: Los Angeles County
Registrar-Recorder/County Clerk City/County: Los Angeles County
Address: 12400 Imperial Highway, Room 2003 Telephone: (562) 462-2339
Norwalk 90650 FAX: (562) 651-2548
(City) (Zip)

II. Non-Filer

Name: Gary Mendez Office Sought: Rio Hondo Community College
Address: [REDACTED] Telephone: [REDACTED]
[REDACTED] [REDACTED] Business [REDACTED]
(City) (Zip) Home [REDACTED]

Date of Election: Semi Annual Incumbent: Non-Incumbent:
(If applicable)

Type of Statement: 460 Date Due: 2/2/2015
(Please specify)

Period Covering: 7/1/2014-12/31/2014 Number of Prior Filings: 18
(Attach copy of Form 410 and most recent statement filed)
(If applicable)

Number of Prior Late Filings: 4

III. Notifications: (Attach copy of written notifications)

Date: 2/6/2015 Written: (CS01) Date: 2/17/2015 Verbal
2/25/2015 Written: (CS02) 3/10/2015 Verbal

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

If you have any questions, please call the Enforcement Division at (916) 322-5660. Return the completed form and attachments to:
Fair Political Practices Commission
Enforcement Division
428 J Street, Suite 620
Sacramento, CA 95814

Exhibit A-16



FAIR POLITICAL PRACTICES COMMISSION

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

June 22, 2015

Gary Mendez
Re-Elect Gary Mendez for Rio Hondo College Board 2011

RE: Committee's Failure to File a Campaign Statement: FPPC No.15/218; Re-Elect Gary Mendez for Rio Hondo College Board 2011

Dear Mr. Mendez,

The Enforcement Division of the Fair Political Practices Commission (Commission) has received a referral from your filing officer regarding Re-elect Gary Mendez for Rio Hondo College Board 2011's failure to file the following campaign statement:

Table with 3 columns: Statement/Report Type, Reporting Period, Filing Deadline. Row 1: Semi-Annual, 07/01/14 - 12/31/14, 02/02/2015.

Failing to timely file a campaign statement is a violation of the Political Reform Act (Act)1. As the controlling candidate/treasurer, you are liable for the committee's filing violations. The Enforcement Division has commenced an enforcement action against you, and can obtain an order that you pay a monetary penalty to the State of California of up to \$5,000 per violation.2

On May 21, 2015, the Commission approved an Enforcement Streamlined Program that allows committees who failed to file campaign statement to qualify for a reduced fine, in certain circumstances, through the Enforcement Division's streamlined program. In order to qualify for this program, you must first file any past-due campaign statements with your filing officer and provide a copy of the file stamped statement to the Enforcement Division within 30 days of the date of this letter. Once the Enforcement Division receives your campaign statement, we will examine your statement to determine whether you meet the streamline qualification criteria. If you qualify for the program, the Enforcement Division staff will contact you to settle this matter for a significantly reduced fine.

Failing to file the statement identified above within 30 days of the date of this letter will automatically disqualify you from the streamline program even if you would have otherwise been eligible. By not responding you could incur a fine of up to \$5,000 per violation. These fines can be pursued against you personally even if you choose not to respond or update your filings.

1 The Political Reform Act is contained in Government Code Sections 81000 through 91014.
2 Section 83116.

For more information on your campaign forms, visit our website at www.fppc.ca.gov. If you have any questions regarding this letter or your filing obligations, please contact Michael Hamilton at 916-322-5772.

Sincerely,



Michael Hamilton
Commission Counsel

Exhibit A-17

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

Type or print in ink.

SEE INSTRUCTIONS ON REVERSE

Statement covers period
 from 07/01/2014
 through 12/31/2014

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

Date Stamp
RECEIVED BY
LOS ANGELES COUNTY
 2015 AUG -7 AM 9:59
 4 KRP
CAMPAIGN FINANCE
 Page 1 of 4
 For Official Use Only
CALIFORNIA FORM 460
 012467
 CB9319

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

- Officeholder, Candidate Controlled Committee
- State Candidate Election Committee
- Recall
- (Also Complete Part 5)
- General Purpose Committee
- Sponsored
- Small Contributor Committee
- Political Party/Central Committee
- Primarily Formed Candidate/Officeholder Committee
- (Also Complete Part 6)
- Primarily Formed Ballot Measure Committee
- Controlled
- Sponsored
- (Also Complete Part 6)
- Amendment (Explain below)

2. Type of Statement:

- Preelection Statement
- Semi-annual Statement
- Termination Statement
- (Also file a Form 410 Termination)
- Amendment (Explain below)

- Quarterly Statement
- Special Odd-Year Report
- Supplemental Preelection Statement - Attach Form 495

3. Committee Information

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
 Re-Elect Garry Mendez for Rio Hondo College Board 2011

I.D. NUMBER
 1341282

STREET ADDRESS (NO P.O. BOX)
 10548 Norwalk Blvd.

CITY STATE ZIP CODE AREA CODE/PHONE
 Santa Fe Springs CA 90670 (626) 278-4118

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX
 CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

Treasurer(s)

NAME OF TREASURER
 Garry Mendez

MAILING ADDRESS
 CITY STATE ZIP CODE AREA CODE/PHONE

NAME OF ASSISTANT TREASURER, IF ANY
 MAILING ADDRESS
 CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 07/24/2015
 Date

Executed on 07/24/2015
 Date

Executed on _____
 Date

Executed on _____
 Date

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

Signature of Controlling Officer/Officeholder, Candidate, State Measure Proponent

Signature of Controlling Officer/Officeholder, Candidate, State Measure Proponent

NB

**Recipient Committee
Campaign Statement
Cover Page — Part 2**

Type or print in ink.

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE
Gary Mendez

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)
Community College Board: Rio Hondo District 4

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP
10548 Norwalk Blvd. Santa Fe SpringsCA 90670

Related Committees Not Included in this Statement: List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.

COMMITTEE NAME	I.D. NUMBER	CONTROLLED COMMITTEE?
NAME OF TREASURER		<input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS		
CITY STATE ZIP CODE AREA CODE/PHONE		
COMMITTEE NAME	I.D. NUMBER	
NAME OF TREASURER		CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS		
CITY STATE ZIP CODE AREA CODE/PHONE		

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
----------------------	--------------	---

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD

DISTRICT NO. IF ANY

7.

Primarily Formed Candidate/Officeholder Committee List names of officeholder(s) or candidate(s) for which this committee is primarily formed.

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

Campaign Disclosure Statement Summary Page

Type or print in ink.
Amounts may be rounded
to whole dollars.

SUMMARY PAGE

CALIFORNIA
FORM 460

Statement covers period
from 07/01/2014
through 12/31/2014

Page 3 of 4

I.D. NUMBER
1341282

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER
Re-Elect Gary Mendez for Rio Hondo College Board 2011

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	Schedule A, Line 3 \$ 0.00	0.00
Loans Received	Schedule B, Line 3 0.00	0.00
2. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2 \$ 0.00	0.00
Nonmonetary Contributions	Schedule C, Line 3 0.00	0.00
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4 \$ 0.00	0.00

Expenditures Made

6. Payments Made	Schedule E, Line 4 \$ 34.75	34.75
7. Loans Made	Schedule H, Line 3 0.00	0.00
8. SUBTOTAL CASH PAYMENTS	Add Lines 6 + 7 \$ 34.75	34.75
9. Accrued Expenses (Unpaid Bills)	Schedule F, Line 3 0.00	0.00
10. Nonmonetary Adjustment	Schedule G, Line 3 0.00	0.00
11. TOTAL EXPENDITURES MADE	Add Lines 8 + 9 + 10 \$ 34.75	34.75

Current Cash Statement

12. Beginning Cash Balance	Previous Summary Page, Line 16 \$ 34.75	
13. Cash Receipts	Column A, Line 3 above 0.00	0.00
14. Miscellaneous Increases to Cash	Schedule I, Line 4 0.00	0.00
15. Cash Payments	Column A, Line 8 above 34.75	34.75
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15 \$ 0.00	0.00

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

17. LOAN GUARANTEES RECEIVED Schedule B, Part 2 \$ 0.00

Cash Equivalents and Outstanding Debts

18. Cash Equivalents See instructions on reverse \$ 0.00

19. Outstanding Debts Add Line 2 + Line 9 in Column B above \$ 0.00

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

Calendar Year Summary for Candidates Running in Both the State Primary and General Elections

1/1 through 6/30 7/1 to Date

20. Contributions Received \$ _____ \$ _____

21. Expenditures Made \$ _____ \$ _____

Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made*
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy) _____ Total to Date \$ _____

_____ \$ _____

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

Exhibit A-18

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

Type or print in ink.

SEE INSTRUCTIONS ON REVERSE

COVER PAGE

Date Stamp
RECEIVED BY
LOS ANGELES COUNTY
CAMPAIGN FINANCE

2015 AUG -7 AM 9:59
4:47

Page 1 of 3
 For Official Use Only

CALIFORNIA FORM **460**

012467

C09319

Statement covers period from 01/01/2015 through 06/30/2015

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

- 1. Type of Recipient Committee:** All Committees - Complete Parts 1, 2, 3, and 4.
- Officerholder, Candidate Controlled Committee
 - State Candidate Election Committee
 - Recall (Also Complete Part 5)
 - General Purpose Committee
 - Sponsored
 - Small Contributor Committee
 - Political Party/Central Committee
 - Primarily Formed Candidate/Officerholder Committee (Also Complete Part 7)
 - Primarily Formed Ballot Measure Committee
 - Controlled
 - Sponsored (Also Complete Part 6)

- 2. Type of Statement:**
- Preelection Statement
 - Semi-annual Statement
 - Termination Statement (Also file a Form 410 Termination)
 - Amendment (Explain below)
 - Quarterly Statement
 - Special Odd-Year Report
 - Supplemental Preelection Statement - Attach Form 495

3. Committee Information

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
 Re-Elect Gary Mendez for Rio Hondo College Board 2011

I.D. NUMBER
 1341282

STREET ADDRESS (NO P.O. BOX)
 10548 Norwalk Blvd.

CITY STATE ZIP CODE AREA CODE/PHONE
 Santa Fe Springs CA 90670 (626) 278-4118

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

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

Treasurer(s)

NAME OF TREASURER
 Gary Mendez

MAILING ADDRESS
 [REDACTED]

CITY STATE ZIP CODE AREA CODE/PHONE
 [REDACTED]

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 07/24/2015 Date

Executed on 07/24/2015 Date

Executed on _____ Date

Executed on _____ Date

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

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

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

NB

5715

**Recipient Committee
Campaign Statement
Cover Page — Part 2**

Type or print in ink.

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE
 Gary Mendez
 OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)
 Community College Board: Rio Hondo District 4
 RESIDENTIAL/BUSINESS ADDRESS (NO AND STREET) CITY STATE ZIP
 10548 Norwalk Blvd. Santa Fe SpringsCA 90670

Related Committees Not Included in this Statement: List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.

COMMITTEE NAME	ID NUMBER	CONTROLLED COMMITTEE?
NAME OF TREASURER		<input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS		
CITY	STATE ZIP CODE	AREA CODE/PHONE
COMMITTEE NAME	ID NUMBER	
NAME OF TREASURER		CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS		
CITY	STATE ZIP CODE	AREA CODE/PHONE

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
----------------------	--------------	---

Identify the controlling officeholder, candidate, or state measure proponent, if any.
 NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD

	DISTRICT NO. IF ANY
--	---------------------

7. Primarily Formed Candidate/Officeholder Committee List names of officeholder(s) or candidate(s) for which this committee is primarily formed.

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

Campaign Disclosure Statement Summary Page

Type or print in ink.
Amounts may be rounded
to whole dollars.

SUMMARY PAGE

CALIFORNIA
FORM
460

Statement covers period
from 01/01/2015
through 06/30/2015

Page 3 of 3

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER

Re-Elect Gary Mendez for Rio Hondo College Board 2011

I.D. NUMBER
1341282

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	Schedule A, Line 3 \$ 0.00	0.00
Loans Received	Schedule B, Line 3 0.00	0.00
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2 \$ 0.00	0.00
4. Nonmonetary Contributions	Schedule C, Line 3 0.00	0.00
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4 \$ 0.00	0.00

Expenditures Made

6. Payments Made	Schedule E, Line 4 \$ 0.00	0.00
7. Loans Made	Schedule H, Line 3 0.00	0.00
8. SUBTOTAL CASH PAYMENTS	Add Lines 6 + 7 \$ 0.00	0.00
9. Accrued Expenses (Unpaid Bills)	Schedule F, Line 3 0.00	0.00
10. Nonmonetary Adjustment	Schedule G, Line 3 0.00	0.00
11. TOTAL EXPENDITURES MADE	Add Lines 8 + 9 + 10 \$ 0.00	0.00

Current Cash Statement

2. Beginning Cash Balance	Previous Summary Page, Line 16 \$ 0.00	0.00
13. Cash Receipts	Column A, Line 3 above 0.00	0.00
14. Miscellaneous Increases to Cash	Schedule I, Line 4 0.00	0.00
15. Cash Payments	Column A, Line 8 above 0.00	0.00
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15 \$ 0.00	0.00

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

Cash Equivalents and Outstanding Debts

17. LOAN GUARANTEES RECEIVED	Schedule B, Part 2 \$ 0.00	0.00
18. Cash Equivalents	See instructions on reverse \$ 0.00	0.00
19. Outstanding Debts	Add Line 2 + Line 9 in Column B above \$ 0.00	0.00

Calendar Year Summary for Candidates Running in Both the State Primary and General Elections

20. Contributions Received	1/1 through 6/30 \$	7/1 to Date \$
21. Expenditures Made	\$	\$

Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made* (# Subject to Voluntary Expenditure Limit)	Date of Election (mm/dd/yy)	Total to Date
	/ /	\$
	/ /	\$

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

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

Exhibit A-19

Past Due Notice

FILING PERIOD: 1 DUE DATE: 08/01/16 COVERING DATES: 01/01/16 TO 06/30/16
ELECTION ID: S716 HELD: 06/30/16
ELECTION NAME: SEMI ANNUAL FILING 2016 FIRST HALF
R-R CONTROL NO.: C09319 STATE ID NO.: 0001341282

This is a reminder that your campaign statement is PAST DUE.
Your statement was due on August 1, 2016, and you may be
subject to a \$10.00 per day fine (Government Code § 91013). If you
need additional assistance, please call the Campaign Finance
Section at (562) 462-2339.

Los Angeles County Registrar-Recorder/County Clerk
Campaign Finance Section
12400 Imperial Highway, Room 2003
Norwalk, California 90650

GARY MENDEZ
RE-ELECT GARY MENDEZ FOR RIO HONDO
COLLEGE BOARD 2015

[REDACTED]
[REDACTED]

CS01

T.D.
NG

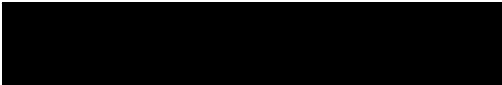
Exhibit A-20

Past Due Notice

FILING PERIOD: 1 DUE DATE: 08/01/16 COVERING DATES: 01/01/16 TO 06/30/16
ELECTION ID: S716 HELD: 06/30/16
ELECTION NAME: SEMI ANNUAL FILING 2016 FIRST HALF
OFFICE: RIO HONDO COMM COLL DIST GOVERNING BOARD MEMBER PARTY:
R-R CONTROL NO.: 012467

This is a reminder that your campaign statement is PAST DUE.
Your statement was due on August 1, 2016, and you may be
subject to a \$10.00 per day fine (Government Code § 91013). If you
need additional assistance, please call the Campaign Finance
Section at (562) 462-2339.

Los Angeles County Registrar-Recorder/County Clerk
Campaign Finance Section
12400 Imperial Highway, Room 2003
Norwalk, California 90650



GARY MENDEZ
10548 NORWALK BOULEVARD
SANTA FE SPRINGS CA 90670

CS01

NG
T.D.

Exhibit A-21

Notice Of Past Due Filing

FILING PERIOD: 1 DUE DATE: 08/01/16 COVERING DATES: 01/01/16 TO 06/30/16
ELECTION ID: S716 HELD: 06/30/16
ELECTION NAME: SEMI ANNUAL FILING 2016 FIRST HALF
R-R CONTROL NO.: C09319 STATE ID NO.: 0001341282
DATE TO BE REFERRED TO FPCC: 09/14/16

Your campaign statement is PAST DUE. If a statement is filed after any deadline imposed by this act, any person shall, in addition to any other penalties be liable in the amount of \$10 per day until it is received. Your statement must be received within ten days from the date of this written notice. A late filing penalty cannot be waived if the statement is filed after this date (Govt. Code § 91013). If it is not received within two weeks from the date of this notice you will be referred to the Fair Political Practices Enforcement Division. (GC § 81010(d)). Send your statement immediately to the Campaign Finance Section or call (562) 462-2339. (Please see reverse side.)

GARY MENDEZ
RE-ELECT GARY MENDEZ FOR RIO HONDO
COLLEGE BOARD 2015

[REDACTED]

CS02

T.R. 7/30

Exhibit A-22

Notice Of Past Due Filing

FILING PERIOD: 1 DUE DATE: 08/01/16 COVERING DATES: 01/01/16 TO 06/30/16

ELECTION ID: S716 HELD: 06/30/16

ELECTION NAME: SEMI ANNUAL FILING 2016 FIRST HALF

OFFICE: RIO HONDO COMM COLL DIST GOVERNING BOARD MEMBER PARTY:

R-R CONTROL NO.: 012467

DATE TO BE REFERRED TO FPPC: 09/14/16

Your campaign statement is PAST DUE. If a statement is filed after any deadline imposed by this act, any person shall, in addition to any other penalties be liable in the amount of \$10 per day until it is received. Your statement must be received within ten days from the date of this written notice. A late filing penalty cannot be waived if the statement is filed after this date (Govt. Code § 91013). If it is not received within two weeks from the date of this notice you will be referred to the Fair Political Practices Enforcement Division. (GC § 81010(d)). Send your statement immediately to the Campaign Finance Section or call (562) 462-2339. (Please see reverse side.)

GARY MENDEZ
10548 NORWALK BOULEVARD
SANTA FE SPRINGS CA 90670

CS02

T.O.
NG

Exhibit A-23



CAMPAIGN FINANCE DISCLOSURE SECTION

CALL REPORT FOR NICOLE

DATE OF CALL: 8/26/2016 Outgoing Call
CUSTOMER NAME: Voicemail
CAND/COMM/MD NAME: Gary Mendez
ELECTION ID: S716
CONTROL NUMBER: 012467
CFD STAFF NAME: Nicole
TYPE OF CALL: Late Filer 1st Call

SUB-TYPE:

CALL DURATION: 1 MINUTE(S)

CALL SUMMARY: I left a message on Mr. Mendez's voice mail regarding his past due statement. I informed him that we are already in the process of referring him to the FPPC for enforcement. I advised him to submit the statement ASAP to avoid additional penalties. I left our phone number and fax number.

ACTION/RESOLUTION:

Exhibit A-24



CAMPAIGN FINANCE DISCLOSURE SECTION CALL REPORT FOR NICOLE

DATE OF CALL: 9/8/2016 Outgoing Call
CUSTOMER NAME: Voicemail
CAND/COMM/MD NAME: Gary Mendez
ELECTION ID: S716
CONTROL NUMBER: 012467
CFD STAFF NAME: Nicole
TYPE OF CALL: Late Filer 2nd Call
SUB-TYPE:
CALL DURATION: 1 MINUTE(S)
CALL SUMMARY: I left a message on Mr.Mendez's voice mail regarding his past due statement. I informed him that we are already in the process of referring him to the FPPC for enforcement. I advised him to submit the statement ASAP to avoid additional penalties. I left our phone number and fax number.

ACTION/RESOLUTION:

Exhibit A-25

LOS ANGELES REGISTRAR-RECORDER/COUNTY CLERK

MAILING DATE: 09/15/16

FAIR POLITICAL PRACTICES COMMISSION REFERRAL

REFERRAL NO.: D16056

FILING PERIOD: 1 DUE DATE: 08/01/16 COVERING DATES: 01/01/16 TO 06/30/16

ELECTION ID: S716 HELD: 06/30/16

ELECTION NAME: SEMI ANNUAL FILING 2016 FIRST HALF

R-R CONTROL NO.: 012467 PARTY:

The attached case file is being referred to your office for appropriate action pursuant to Government Code Section 81010 (d). After two requests for compliance, the required campaign statement has not yet been filed.

If you have any questions, please contact the Campaign Finance and Proposition B Section at (562) 462-2339.

GARY MENDEZ ✓
RIO HONDO COMM COLL DIST GOVERNING BOARD MEMBER
10548 NORWALK BOULEVARD
SANTA FE SPRINGS CA 90670

AK
15-218

15 SEP 28 PM 2:37

RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION

CF02

LOS ANGELES REGISTRAR-RECORDER/COUNTY CLERK

MAILING DATE: 09/15/16

FAIR POLITICAL PRACTICES COMMISSION REFERRAL REFERRAL NO.: D16056
FILING PERIOD: 1 DUE DATE: 08/01/16 COVERING DATES: 01/01/16 TO 06/30/16
ELECTION ID: S716 HELD: 06/30/16
ELECTION NAME: SEMI ANNUAL FILING 2016 FIRST HALF
R-R CONTROL NO.: C09319 STATE ID NO.: 0001341282

The attached case file is being referred to your office for appropriate action pursuant to Government Code Section 81010 (d). After two requests for compliance, the required campaign statement has not yet been filed.

If you have any questions, please contact the Campaign Finance and Proposition B Section at (562) 462-2339.

GARY MENDEZ
RE-ELECT GARY MENDEZ FOR RIO HONDO
COLLEGE BOARD 2015

[REDACTED]

CF02



Campaign Disclosure Statement Non-Filer Enforcement Referral

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

I. FILING OFFICIAL INFORMATION

Contact Person: Registrar-Recorder County Clerk, Campaign Finance Section City/County: Los Angeles County
 Address: 12400 Imperial Highway, Room 2003
 Telephone: 562-462-2339 Fax: 562-651-2548 Email: CFD@rrcc.lacounty.gov

II. NON-FILER INFORMATION

Name: GARY MENDEZ Office Sought: RIO HONDO COMMUNITY COLLEGE BOARD DISTRICT 4
 Address: [REDACTED]; 10548 NORWALK BLVD., SANTA FE SPRINGS, CA 90670
 Telephone (Work): 626) 278-4118 Telephone (Home): [REDACTED] Email: _____
 Date of Election: NOVEMBER 3, 2015 Incumbent (If applicable) Non-Incumbent
 Type of Statement: SEMI-ANNUAL; 460 Date Due: 08/01/2016
 Period Covering: 01/01/16-06/30/16 Number of Prior Filings: 20
(Attach copy of Form 410 and most recent statement filed) (If applicable)
 Number of Prior Late Filings: 6

III. NOTIFICATION: Attach copies of all communications with non-filer including letters, phone logs, emails, or other documentation. If email, provide a copy of recipient's receipt of email.

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: <u>08 / 16 / 16</u> <small>(Date)</small>	<input type="checkbox"/> Verbal <input checked="" type="checkbox"/> Written	Date: <u>09 / 08 / 16</u> <small>(Date)</small>	<input checked="" type="checkbox"/> Verbal <input type="checkbox"/> Written
Date: <u>08 / 31 / 16</u> <small>(Date)</small>	<input type="checkbox"/> Verbal <input checked="" type="checkbox"/> Written	Date: <u> / / </u> <small>(Date)</small>	<input type="checkbox"/> Verbal <input type="checkbox"/> Written
Date: <u>08 / 26 / 16</u> <small>(Date)</small>	<input checked="" type="checkbox"/> Verbal <input type="checkbox"/> Written	Date: <u> / / </u> <small>(Date)</small>	<input type="checkbox"/> Verbal <input type="checkbox"/> Written

Upon completion, email PDFs to complaint@fppc.ca.gov
 or mail the form and the 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-26



FAIR POLITICAL PRACTICES COMMISSION

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

January 26, 2017

Via Certified Mail

Gary Mendez
P.O. Box 3112
Santa Fe Springs, CA 90670

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

**Re: FPPC No. 15/218
In the Matter of Re-Elect Gary Mendez for Rio Hondo College Board 2011 and
Gary Mendez**

Dear Mr. Mendez:

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 **February 16, 2017**, and decide whether to impose the maximum administrative penalty of \$25,000 against you.

You were previously served on August 26, 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 five 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 December 14, 2016. Under the law, you have therefore received adequate notice of these proceedings and the action filed against you. Under the Administrative Procedure Act, you were required to file your Notices of Defense within 15 days after service of the Accusation. You failed to file the Notices of Defense forms. As such, your right to an administrative hearing on this matter has been forfeited, and you are in a default position.

You may, but you are not required to, provide a response brief, along with any supporting materials, no later than five calendar days before the Commission hearing at which the default is

scheduled to be heard. Your response brief must be served on the Commission Assistant, at the above address.

At its public meeting on February 16, 2017, the Commission may impose an administrative penalty against you in the amount of \$25,000, the maximum penalty for the five 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 February 16, 2017 meeting. Please contact me at (916) 322-7771 or akelly@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,

A solid black rectangular box redacting the signature of Amanda Kelly.

Amanda Kelly
Commission Counsel
Enforcement Division

Enclosures