


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 Williams stated that a Notice of Defense must be filed in order to request a hearing. The Committee and
7 Williams failed to file a Notice of Defense within fifteen days of being served with an Accusation.
8 Government Code Section 11520 provides that, if the respondent fails to file a Notice of Defense, the
9 Commission may take action, by way of a default, based upon the respondent's express admissions or
10 upon other evidence, and that affidavits may be used as evidence without any notice to the respondent.

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

15
16 Dated: 19 Dec 17



Galena West, Chief of Enforcement
Fair Political Practices Commission

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

The Commission issues this Default Decision and Order and imposes a total administrative penalty of \$60,000 upon Williams for AC Transit Board 2014 and Mark Williams, payable to the “General Fund of the State of California.”

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

Dated: _____

Joann Remke, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Williams for AC Transit Board 2014 (“Committee”) is a candidate-controlled committee for respondent Mark Williams (“Williams”), who is a member of the Alameda-Contra Costa Transit District Board of Directors (“AC Transit Board”) for Ward 4. Williams is also the Committee’s treasurer.

The Political Reform Act (“Act”)¹ requires candidate-controlled committees to file campaign statements to disclose their contributions received and expenditures made.

This matter arose out of a referral sent to the Fair Political Practices Commission’s (“Commission”) Enforcement Division by the Secretary of State’s Office (“SOS”) for the Committee’s non-payment of annual fees.

As a controlled committee, its candidate, and its treasurer, the Committee and Williams had a duty to file semi-annual and preelection campaign statements. The Committee and Williams failed to timely file twelve campaign statements between January 1, 2012 and December 31, 2016.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

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

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

² Section 83116.

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

⁴ Section 11503.

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

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

PROCEDURAL REQUIREMENTS AND HISTORY

A. Initiation of the Administrative Action

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

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

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

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-12, 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 Williams 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 March 8, 2017. (Certification, Exhibit A-2.) The

⁵ Section 11506, subd. (a)(1)-(6).

⁶ Section 11506, subd. (c).

⁷ Section 11520, subd. (a).

⁸ Section 91000.5, subd. (a).

⁹ Section 83115.5.

¹⁰ Section 83115.5.

¹¹ Section 91000.5.

¹² Section 83115.5.

administrative action commenced on March 8, 2017, the date Williams's agent signed the certified mail receipt (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 Williams contained a cover letter and a memorandum describing probable cause proceedings, advising that the Committee and Williams 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.) The Committee and Williams did not request a probable cause conference or submit a written response to the Report.

B. Ex Parte Request for a Finding of Probable Cause

Because the Committee and Williams failed to request a probable cause conference or submit a written response to the Report by the statutory deadline, the Enforcement Division submitted an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served to the Hearing Officer of the Commission on June 8, 2017. (Certification, Exhibit A-4.)

On June 19, 2017, Hearing Officer Brian Lau, Senior Commission Counsel, Legal Division, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on the Committee and Williams. (Certification, Exhibit A-5.)

C. The Issuance and Service of the Accusation

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

Section 11503 states:

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

¹³ Regulation 18361.4, subd. (e).

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

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

On July 25, 2017, the Commission's Chief of Enforcement, Galena West, issued an Accusation against the Committee and Williams. (Certification, Exhibit A-6.) In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form for each respondent, copies of Government Code Sections 11506, 11507.5, 11507.6, and 11507.7, were served upon the Committee and Williams on July 30, 2017. (Certification, Exhibit A-7.)

Along with the Accusation, the Enforcement Division served the Committee and Williams 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-8.) The Committee and Williams did not file a Notice of Defense within the statutory time period, which ended on August 14, 2017.

As a result, on December 20, 2017, the Enforcement Division sent a letter to the Committee and Williams advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for January 18, 2018. (Certification, Exhibit A-12.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. The violations in this case occurred between 2012 and 2017. For this reason, all legal references and discussions of law pertain to the Act's provisions as they existed at that time.

¹⁴ Section 11505, subd. (a).

¹⁵ Section 11505, subd. (b).

¹⁶ Section 11505, subd. (c).

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 candidate-controlled committees to file campaign statements at specific times disclosing information regarding contributions received and expenditures made.¹⁸

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 reporting period ending on 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

Controlled committees must file two preelection campaign statements before the election in which the candidate is listed on the ballot. In 2014, for the general election, controlled committees were required to file the first preelection campaign statement for the period ending September 30 no later than October 5.²¹ Committees were also required to file a second preelection campaign statement for the period ending 17 days before the election no later than 12 days before the election.²²

SUMMARY OF THE EVIDENCE

The Committee qualified as a committee on or about October 21, 2010, the date it indicated on its statement of organization filed with the SOS. Williams was first elected to the AC Transit Board on November 2, 2010, and was re-elected on November 4, 2014.

On January 31, 2011, the Committee and Williams timely filed a semi-annual campaign statement for the reporting period of October 17, 2010 through December 31, 2010. On that statement, the Committee reported an ending cash balance of \$6,295.65. (Certification, Exhibit A-9.) The Committee and Williams failed to timely file subsequent campaign statements.

On September 12, 2014, the Committee and Williams filed an amended statement of organization with the SOS, which changed the Committee's name for the 2014 election.

On October 15, 2015, the Committee and Williams paid the 2014 \$50 annual fee and \$150 penalty and the 2015 \$50 annual fee. On January 4, 2016, the Committee and Williams paid the 2015 \$150 penalty and the 2016 \$50 annual fee.

The Committee and Williams failed to timely file semi-annual campaign statements for the reporting periods of January 1, 2012 through June 30, 2012; July 1, 2012 through

¹⁷ Section 81002, subd. (a).

¹⁸ Sections 84200 through 84225.

¹⁹ Section 84200, subd. (a)

²⁰ Regulation 18116.

²¹ Former Section 84200.7, subd. (b)(1).

²² Former Section 84200.7, subd. (b)(2).

December 31, 2012; January 1, 2013 through June 30, 2013; July 1, 2013 through December 31, 2013; January 1, 2014 through June 30, 2014; October 19, 2014 through December 31, 2014; January 1, 2015 through June 30, 2015; July 1, 2015 through December 31, 2015; January 1, 2016 through June 30, 2016; and July 1, 2016 through December 31, 2016.

The Committee and Williams also failed to timely file preelection campaign statements for the reporting periods of July 1, 2014 through September 30, 2014, and October 1, 2014 through October 18, 2014. The election for the AC Transit Board Director for Ward 4 was contested by one other candidate, and Williams earned 58.05 percent of the votes. By failing to timely file these preelection campaign statements, Williams hid his campaign activities from his opponent and the public.

On February 26, 2016, the Enforcement Division sent a letter via U.S. mail to the Committee and Williams regarding the SOS referral and the Committee's delinquent campaign statements. (Certification, Exhibit A-10.)

On November 16, 2016, November 28, 2016, January 6, 2017, June 1, 2017, November 30, 2017, and December 4, 2017, the Enforcement Division staff sent Williams six emails regarding the Committee's delinquent campaign statements and annual fees paid to the SOS. (Certification, Exhibit A-11.) On December 20, 2016, June 1, 2017, August 31, 2017, and December 7, 2017, the Enforcement Division staff left voicemails for Williams.

This case originally had been placed on the agenda for the Commission's public meeting scheduled for December 21, 2017. However, when Williams contacted the Enforcement Division by email on December 4, 2017, to express an interest in bringing the Committee into compliance with the Act, the Enforcement Division removed the case from the agenda and instructed Williams and the Committee to file all delinquent statements for periods covering January 1, 2012 through June 30, 2017. (Certification, Exhibit A-11.)

As of December 19, 2017, the Committee and Williams have not filed twelve delinquent campaign statements, and the Committee has not been terminated. The last statement, filed on January 31, 2011, indicated the Committee had a cash balance of \$6,295.65. Without any subsequent reporting, the public has no information regarding the disposition of those funds. Further, Williams successfully ran for re-election in 2014 without filing a single campaign statement, so the public continues to have no information regarding Williams' campaign activities. In addition, Williams remains in office as a member of the AC Transit Board for Ward 4.

Summary of Contact

Overall, the Committee and Williams were contacted at least fourteen times regarding their duties to file campaign statements, as follows:

- February 26, 2016: letter from the Enforcement Division regarding the SOS referral and the Committee's delinquent campaign statements

- November 16, 2016: email from the Enforcement Division
- November 28, 2016: email from the Enforcement Division
- December 20, 2016: voicemail from the Enforcement Division
- January 6, 2017: email from the Enforcement Division
- March 8, 2017: Report in Support of a Finding of Probable Cause served
- June 1, 2017: voicemail from the Enforcement Division
- June 1, 2017: email from the Enforcement Division
- June 8, 2017: copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed to the Committee and Williams
- July 30, 2017: Accusation served upon the Committee and Williams
- August 31, 2017: voicemail from the Enforcement Division
- November 30, 2017: email from the Enforcement Division
- December 4, 2017: email from the Enforcement Division
- December 7, 2017: voicemail from the Enforcement Division

The Committee and Williams never replied to any voicemails left by the Enforcement Division. The Committee and Williams responded on December 4, 2017, to the email that the Enforcement Division sent on November 30, 2017, to express an interest in settling this case. However, the Committee and Williams, as of December 19, 2017, failed to file the delinquent campaign statements or to cooperate with the Enforcement Division in settling this case.

VIOLATIONS

The Committee and Williams committed 12 violations of the Act, as follows:

COUNT 1

Failure to Timely File a Semi-Annual Campaign Statement by July 31, 2012

The Committee and Williams had a duty to file a semi-annual campaign statement for the reporting period of January 1, 2012 through June 30, 2012 by July 31, 2012. By failing to timely file this statement, the Committee and Williams violated Government Code Section 84200.

COUNT 2

Failure to Timely File a Semi-Annual Campaign Statement by January 31, 2013

The Committee and Williams had a duty to file a semi-annual campaign statement for the reporting period of July 1, 2012 through December 31, 2012 by January 31, 2013. By failing to timely file this statement, the Committee and Williams violated Government Code Section 84200.

COUNT 3

Failure to Timely File a Semi-Annual Campaign Statement by July 31, 2013

The Committee and Williams had a duty to file a semi-annual campaign statement for the reporting period of January 1, 2013 through June 30, 2013 by July 31, 2013. By failing to timely file this statement, the Committee and Williams violated Government Code Section 84200.

COUNT 4

Failure to Timely File a Semi-Annual Campaign Statement by January 31, 2014

The Committee and Williams had a duty to file a semi-annual campaign statement for the reporting period of July 1, 2013 through December 31, 2013 by January 31, 2014. By failing to timely file this statement, the Committee and Williams violated Government Code Section 84200.

COUNT 5

Failure to Timely File a Semi-Annual Campaign Statement by July 31, 2014

The Committee and Williams had a duty to file a semi-annual campaign statement for the reporting period of January 1, 2014 through June 30, 2014 by July 31, 2014. By failing to timely file this statement, the Committee and Williams violated Government Code Section 84200.

COUNT 6

Failure to Timely File a Preelection Campaign Statement by October 6, 2014

The Committee and Williams had a duty to file a preelection campaign statement for the reporting period of July 1, 2014 through September 30, 2014 by October 6, 2014. By failing to timely file this statement, the Committee and Williams violated Government Code Section 84200.7, subdivision (b).

COUNT 7

Failure to Timely File a Preelection Campaign Statement by October 23, 2014

The Committee and Williams had a duty to file a preelection campaign statement for the reporting period of October 1, 2014 through October 18, 2014 by October 23, 2014. By failing to timely file this statement, the Committee and Williams violated Government Code Section 84200.7, subdivision (b).

COUNT 8

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

The Committee and Williams had a duty to file a semi-annual campaign statement for the reporting period of October 19, 2014 through December 31, 2014 by February 2, 2015. By failing to timely file this statement, the Committee and Williams violated Government Code Section 84200.

COUNT 9

Failure to Timely File a Semi-Annual Campaign Statement by July 31, 2015

The Committee and Williams had a duty to file a semi-annual campaign statement for the reporting period of January 1, 2015 through June 30, 2015 by July 31, 2015. By failing to timely file this statement, the Committee and Williams violated Government Code Section 84200.

COUNT 10

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

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

COUNT 11

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

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

COUNT 12

Failure to Timely File a Semi-Annual Campaign Statement by January 31, 2017

The Committee and Williams had a duty to file a semi-annual campaign statement for the reporting period of July 1, 2016 through December 31, 2016 by January 31, 2017. By failing to timely file this statement, the Committee and Williams violated Government Code Section 84200.

CONCLUSION

This matter consists of 12 counts of violating the Act, which carry a maximum total administrative penalty of \$60,000.²³

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 Williams failed to timely file semi-annual and preelection campaign statements. The failure to comply with these obligations denied the public information about the Committee's activity and the disposition of the Committee's \$6,296.65 cash balance as of December 31, 2010. The Committee and Williams also denied the voters important information regarding contributions and expenditures made in support of a candidate before the election in 2014.

The Committee and Williams are aware of their obligations to file campaign statements as they have been contacted at least fourteen times regarding this matter.

The Committee and Williams have no prior history of violating the Act; however, Williams is still in office and his current term expires in 2018.

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 1–5 and Counts 8-12

- *In the Matter of Re-Elect Gary Mendez for Rio Hondo College Board 2011 and Gary Mendez*, FPPC No. 15/218. (The Commission approved a default decision on February 16, 2017.) The respondents, among other violations, failed to timely file three semi-annual campaign statements. The Commission imposed a penalty of \$5,000 per count

²³ Section 83116, subd. (c).

for the unfiled campaign statements. Like Williams, Mendez remained in office and never filed the campaign statements.

Counts 6-7

- *In the Matter of Michael Rogers and Mike Rogers for Supervisor*, FPPC No. 13/280. (The Commission approved a default decision on January 12, 2016.) The respondents failed to timely file one preelection campaign statement. The Commission imposed a penalty of \$5,000 although Rogers lost the election.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$5,000 per count, for a total penalty of \$60,000, is recommended.



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

CERTIFICATION OF RECORDS

The undersigned declares and certifies as follows:

1. I am employed as a Staff Services Analyst by the California Fair Political Practices Commission (Commission). My business address is: California Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811.
2. I am a duly authorized custodian of the records maintained by the Commission in the Enforcement Division. As such, I am authorized to certify copies of those records as being true and correct copies of the original business records which are in the custody of the Commission.
3. I have reviewed documents maintained in *FPPC Case No. 16/205; Williams for AC Transit Board 2014 and Mark Williams*, 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 February 15, 2017

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated February 15, 2017, and Return Receipt received on March 10, 2017

EXHIBIT A-3: Cover letter to the respondents regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated February 15, 2017

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated June 8, 2017

EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated June 19, 2017, and Proof of Service, dated June 19, 2017

- EXHIBIT A-6: Accusation, dated July 25, 2017
- EXHIBIT A-7: Proof of Service on July 30, 2017, for Accusation and accompanying documents from process server, dated July 31, 2017
- EXHIBIT A-8: Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated July 26, 2017
- EXHIBIT A-9: Semi-annual campaign statement for the reporting period of October 17, 2010 through December 31, 2010, filed by the committee Williams for AC Transit Board 2014 on January 31, 2011
- EXHIBIT A-10: Letter from the Enforcement Division to the committee Williams for AC Transit Board 2014, dated February 26, 2016
- EXHIBIT A-11: Emails from the Enforcement Division to Mark Williams, dated November 16, 2016, November 28, 2016, January 6, 2017, June 1, 2017, November 30, 2017, and December 4, 2017.
- EXHIBIT A-12: Notice of Intent to Enter into Default Decision and Order, dated December 20, 2017

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 20, 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 AMANDA KELLY
Commission Counsel
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 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
9 **STATE OF CALIFORNIA**
10

11 In the Matter of) FPPC No. 16/205
12)
13) **REPORT IN SUPPORT OF A FINDING OF**
14) **PROBABLE CAUSE**
15)
16) **WILLIAMS FOR AC TRANSIT**
17) **BOARD 2014 AND MARK WILLIAMS,**) Conference Date: TBA
18)) Conference Time: TBA
19)) Conference Location: Commission Offices
20)) 428 J Street, Suite 620
21)) Sacramento, CA 95814
22) Respondents.)
23)
24)
25)

26 **INTRODUCTION**

27 Respondent Mark Williams (“Williams”) is a member of the Alameda-Contra Costa Transit
28 District Board of Directors (the “AC Transit Board”). Respondent Williams for AC Transit Board 2014
(the “Committee”) is his candidate-controlled committee. Williams is also the Committee’s treasurer.

The Political Reform Act (the “Act”)¹ requires candidate-controlled committees to file campaign
statements to disclose their contributions received and expenditures made. The Act also requires each
committee required to file a statement of organization to pay the Secretary of State (“SOS”) an annual

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 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 \$50 fee by January 15 every year until the termination of the committee. The Committee and Williams
2 violated the Act by failing to timely file 12 campaign statements between January 1, 2012 and December
3 31, 2016, and failing to timely pay the annual fees for 2014 and 2015.

4 SUMMARY OF THE LAW

5 All legal references and discussions of law pertain to the Act's provisions as they existed in 2012
6 through 2016.

7 Jurisdiction

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

10 Probable Cause Proceedings

11 Prior to the Enforcement Division commencing an administrative action, the General Counsel of
12 the Commission or her designee (the "hearing officer"), must make a finding that there is probable cause
13 to believe the respondent has violated the Act.³ After a finding of probable cause, the Commission may
14 hold a noticed hearing in accordance with the Administrative Procedure Act⁴ to determine whether
15 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.⁵

16 Standard for Finding Probable Cause

17 To make a finding of probable cause, the hearing officer must be presented with sufficient
18 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
19 that a respondent committed or caused a violation.⁶

20 ///

21 ///

22 ///

24 ² Section 83116.

25 ³ Section 83115.5, and Regulations 18361 and 18361.4.

26 ⁴ Section 11500, et seq.

27 ⁵ Section 83116, and Regulation 18361.4, subd. (e).

28 ⁶ 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.⁷ To that end, the Act must be liberally construed to achieve its purposes.⁸

5 There are many purposes of the Act. One purpose is to ensure voters are fully informed and
6 improper practices are inhibited by requiring all committees to disclose all contributions and expenditures
7 made throughout a campaign.⁹ Another is to provide adequate enforcement mechanisms so that the Act
8 will be “vigorously enforced.”¹⁰

9 Semi-Annual Campaign Statements

10 The Act requires a controlled committee to file semi-annual statements twice per year to disclose
11 its campaign contributions and expenditures.¹¹ A committee must file a semi-annual statement by January
12 31 for the period ending December 31 and by July 31 for the period ending June 30, or the next business
13 day if the deadline falls on a weekend or holiday.¹²

14 Pre-Election Campaign Statements

15 For the general election, a committee must file a pre-election campaign statement for the period
16 ending September 30 no later than October 5.¹³ A committee must also file a second pre-election
17 campaign statement for the period ending 17 days before the election no later than 12 days before the
18 election.¹⁴ These deadlines are extended to the next business day if they fall on a weekend or holiday.¹⁵

19 ///

20 ///

21 ///

22 _____
23 ⁷ Section 81001, subd. (h).

24 ⁸ Section 81003.

25 ⁹ Section 81002, subd. (a)

26 ¹⁰ Section 81002, subd. (f).

27 ¹¹ Section 84200.5, subd. (b).

28 ¹² Section 84200, subd. (a) and Regulation 18116, subd. (a).

¹³ Section 84200.7, subd. (b)(1).

¹⁴ Section 84200.7, subd. (b)(2).

¹⁵ Regulation 18116, subd. (a).

1 Annual Fee

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

6 Liability for Violations

7 Any person who violates any provision of the Act, who purposely or negligently causes any other
8 person to violate any provision of the Act, or who aids and abets any other person in the violation of any
9 provision of the Act, is liable for administrative penalties up to \$5,000 per violation.¹⁸ This only applies
10 to persons who have filing or reporting obligations under the Act, or who are compensated for services
11 involving the planning, organizing or directing of any activity regulated or required by the Act.¹⁹

12 **SUMMARY OF THE EVIDENCE**

13 The Committee qualified as a candidate-controlled committee on or about October 21, 2010, the
14 date it indicated on its statement of organization. Williams was first elected to the AC Transit Board on
15 November 2, 2010, and was re-elected on November 4, 2014.

16 On January 31, 2011, the Committee and Williams timely filed a semi-annual campaign statement
17 for the period of October 17, 2010 through December 31, 2010. That statement showed the Committee
18 had an ending cash balance of \$6,296.65. The Committee and Williams failed to file subsequent
19 campaign statements.

20 On September 12, 2014, the Committee and Williams filed an amended statement of organization
21 with SOS, which changed the Committee's name for the 2014 election. However, the Committee and
22 Williams failed to timely file semi-annual campaign statements for the years of 2012, 2013, 2014, 2015,
23

24
25 ¹⁶ Section 84101.5, subd. (c).

26 ¹⁷ Section 84101.5, subd. (d).

27 ¹⁸ Sections 83116 and 83116.5.

28 ¹⁹ Section 83116.5.

1 and 2016, and failed to timely file pre-election campaign statements for the periods of July 1, 2014
2 through September 30, 2014 and October 1, 2014 through October 18, 2014.

3 The Committee and Williams failed to pay the 2014 annual fee to SOS by the January 1, 2014
4 deadline, and failed to pay the 2015 annual fee by the January 1, 2015 deadline. SOS sent the Committee
5 and Williams multiple notices of their failure to pay the delinquent annual fees and penalties, then referred
6 the matter to the Enforcement Division. The Committee and Williams paid the 2014 annual fee and
7 penalty to SOS on October 15, 2015, paid the 2015 annual fee on October 15, 2015, and paid the 2015
8 penalty for failing to timely pay the annual fee on January 4, 2016.

9 The Enforcement Division attempted to contact the Committee and Williams via U.S. mail on
10 February 26, 2016 regarding the committee's delinquent campaign statements and annual fees. The
11 Committee and Williams failed to respond. As of February 8, 2017, the delinquent campaign statements
12 have not been filed and the Committee has not been terminated.

13 VIOLATIONS

14 Count 1: Failure to Timely File a Semi-Annual Campaign Statement

15 The Committee and Williams failed to timely file the semi-annual campaign statement due July
16 31, 2012, in violation of Section 84200.

17 Count 2: Failure to Timely File a Semi-Annual Campaign Statement

18 The Committee and Williams failed to timely file the semi-annual campaign statement due January
19 31, 2013, in violation of Section 84200.

20 Count 3: Failure to Timely File a Semi-Annual Campaign Statement

21 The Committee and Williams failed to timely file the semi-annual campaign statement due July
22 31, 2013, in violation of Section 84200.

23 Count 4: Failure to Timely File a Semi-Annual Campaign Statement

24 The Committee and Williams failed to timely file the semi-annual campaign statement due January
25 31, 2014, in violation of Section 84200.

26 ///

1 Count 5: Failure to Timely File a Semi-Annual Campaign Statement

2 The Committee and Williams failed to timely file the semi-annual campaign statement due July
3 31, 2014, in violation of Section 84200.

4 Count 6: Failure to Timely File a Pre-Election Campaign Statement

5 The Committee and Williams failed to timely file the pre-election campaign statement due October
6 6, 2014, in violation of Section 84200.7, subdivision (b).

7 Count 7: Failure to Timely File a Pre-Election Campaign Statement

8 The Committee and Williams failed to timely file the pre-election campaign statement due October
9 23, 2014, in violation of Section 84200.7, subdivision (b).

10 Count 8: Failure to Timely File a Semi-Annual Campaign Statement

11 The Committee and Williams failed to timely file the semi-annual campaign statement due
12 February 2, 2015, in violation of Section 84200.

13 Count 9: Failure to Timely File a Semi-Annual Campaign Statement

14 The Committee and Williams failed to timely file the semi-annual campaign statement due July
15 31, 2015, in violation of Section 84200.

16 Count 10: Failure to Timely File a Semi-Annual Campaign Statement

17 The Committee and Williams failed to timely file the semi-annual campaign statement due
18 February 1, 2016, in violation of Section 84200.

19 Count 11: Failure to Timely File a Semi-Annual Campaign Statement

20 The Committee and Williams failed to timely file the semi-annual campaign statement due August
21 1, 2016, in violation of Section 84200.

22 Count 12: Failure to Timely File a Semi-Annual Campaign Statement

23 The Committee and Williams failed to timely file the semi-annual campaign statement due January
24 31, 2017, in violation of Section 84200.

25 ///

26 ///

1 Count 13: Failure to Timely Pay the 2014 Annual Fee

2 The Committee and Williams failed to pay the 2014 annual fee by the January 15, 2014 due date,
3 in violation of Section 84101.5, subdivision (c).

4 Count 14: Failure to Timely Pay the 2015 Annual Fee

5 The Committee and Williams failed to pay the 2015 annual fee by the January 15, 2015 due date,
6 in violation of Section 84101.5, subdivision (c).

7 **OTHER RELEVANT MATERIAL**

8 The Committee and Williams also failed to timely file semi-annual campaign statements for the
9 periods of January 1, 2011 through June 30, 2011 and July 1, 2011 through December 31, 2011.

10 **EXCULPATORY AND MITIGATING INFORMATION**

11 The Enforcement Division is not aware of any exculpatory or mitigating information.

12 **CONCLUSION**

13 Probable cause exists to believe that the Committee and Williams violated the Act by failing to
14 timely file 12 campaign statements and failing to timely pay the 2014 and 2015 annual fees. The
15 Enforcement Division respectfully requests an order finding probable cause pursuant to Section 83115.5
16 and Regulation 18361.4.

17
18 Dated: 2-15-17

19
20 Respectfully Submitted,

21 **FAIR POLITICAL PRACTICES COMMISSION**
22 Galena West
23 Enforcement Chief

24 Amanda Kelly
25 By: Amanda Kelly
26 Commission Counsel
27 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 February 15, 2017, I served the following document(s):

1. Letter dated February 15, 2017 from Amanda Kelly;
2. FPPC No. 16/205 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.

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

Mark Williams
Williams for AC Transit Board 2014



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 2-15-17.



Amanda Kelly

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Mark Williams
Williams for AC Transit Board 2014



9590 9402 1628 6053 9765 57

2. Article Number (Transfer from service label)

7016 0340 0000 7163 8237

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Agent
 Addressee
Mark Williams

B. Received by (Printed Name)

Mark Williams

C. Date of Delivery

3-8-17

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®

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

Collect on Delivery Restricted Delivery

Domestic Return Receipt

USPS

KING



9590 9402 1628 6053 9765 57

United States
Postal Service

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

Amanda Kelly
Enforcement Division, Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814-2329

RECEIVED
FAIR POLITICAL PRACTICES COMMISSION
MAR 10 PM 1:14



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

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

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | | |
|--|----|-------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ | _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ | _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ | _____ |
| <input type="checkbox"/> Adult Signature Required | \$ | _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | _____ |

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Mark Williams
Williams for AC Transit Board 2014

7016 0340 0000 7163 8237



Exhibit A-3



FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329

February 15, 2017

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mark Williams
Williams for AC Transit Board 2014

In the Matter of WILLIAMS FOR AC TRANSIT BOARD 2014 AND MARK WILLIAMS; FPPC No. 16/205

Dear Mr. Williams:

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 February 26, 2016. The enclosed Report in Support of a Finding of Probable Cause (the "Report") contains a summary of the alleged violations and the relevant law and evidence.

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the 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 that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. *If you are interested in reaching a settlement in this matter, please contact me 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,



Amanda Kelly
Commission Counsel
Enforcement Division

Enclosures

PROBABLE CAUSE FACT SHEET

INTRODUCTION

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

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

THE LAW

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

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

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

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

THE PROCEDURE

Probable Cause Report

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

Discovery

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

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

Response to Probable Cause Report

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

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

Staff Reply

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

Probable Cause Conference

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

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

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

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

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

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

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

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

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

Probable Cause Order and Accusation

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

Continuances

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

Settlements

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

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

CONCLUSION

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

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

CALIFORNIA GOVERNMENT CODE

Probable Cause Statutes

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

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

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

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

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

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

Probable Cause Regulations

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

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

§ 18361.4. Probable Cause Proceedings

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

§ 18362. Access to Complaint Files

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

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

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

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

§ 18361.2. Memorandum Respecting Civil Litigation.

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

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

- (1) Initiate civil litigation.
- (2) Decide whether probable cause proceedings should be commenced pursuant to 2 Cal. Code of Regulations Section 18361.4.
- (3) Return the matter to the staff for further investigation.
- (4) Take no further action on the matter or take any other action it deems appropriate.

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

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

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

Exhibit A-4

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

6 Attorneys for Complainant

7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9 STATE OF CALIFORNIA

10 In the Matter of) FPPC No. 16/205
11)
12 WILLIAMS FOR AC TRANSIT) EX PARTE REQUEST FOR A FINDING OF
BOARD 2014 AND MARK) PROBABLE CAUSE AND AN ORDER THAT
13 WILLIAMS,) AN ACCUSATION BE PREPARED AND
SERVED
14 Respondents.) Gov. Code § 83115.5
15)

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

17 Pursuant to Section 83115.5 of the Political Reform Act (the "Act")¹ and Regulation 18361.4,
18 respondents Williams for AC Transit Board 2014 (the "Committee") and Mark Williams ("Williams")
19 were served with a copy of a report in support of a finding of probable cause (the "Report") in the above-
20 entitled matter.² The Report, attached as "Exhibit A," was part of a packet of materials, including a cover
21 letter and a memorandum describing probable cause proceedings, which was sent to the Committee and
22 Williams on February 15, 2017, by certified mail, with a return receipt requested, and received by the
23 Committee and Williams on March 8, 2017. A copy of the return receipt is attached as "Exhibit B."

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 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.

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

1 In the cover letter dated February 15, 2017, and the attached materials, the Committee and
2 Williams were advised that they could respond in writing to the Report and orally present the case to the
3 Hearing Officer at a probable cause conference to be held in Sacramento. The Committee and Williams
4 were further advised that in order to have a probable cause conference, they needed to make a written
5 request for one on or before 21 days of the date they received the Report. Additionally, the Committee
6 and Williams were advised that if they did not request a probable cause conference, such a conference
7 would not be held and probable cause would be determined based solely on the Report and any written
8 response that they submitted within 21 days of the date they were served with the Report. To date, neither
9 the Committee nor Williams 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 the Committee and Williams committed 14
12 violations of the Act, stated as follows:

13
14 Count 1: The Committee and Williams failed to timely file the semi-annual campaign statement due
15 July 31, 2012, in violation of Section 84200.

16 Count 2: The Committee and Williams failed to timely file the semi-annual campaign statement due
17 January 31, 2013, in violation of Section 84200.

18 Count 3: The Committee and Williams failed to timely file the semi-annual campaign statement due
19 July 31, 2013, in violation of Section 84200.

20 Count 4: The Committee and Williams failed to timely file the semi-annual campaign statement due
21 January 31, 2014, in violation of Section 84200.

22 Count 5: The Committee and Williams failed to timely file the semi-annual campaign statement due
23 July 31, 2014, in violation of Section 84200.

24 Count 6: The Committee and Williams failed to timely file the pre-election campaign statement due
25 October 6, 2014, in violation of Section 84200.7, subdivision (b).

26 Count 7: The Committee and Williams failed to timely file the pre-election campaign statement due
27 October 23, 2014, in violation of Section 84200.7, subdivision (b).

28 Count 8: The Committee and Williams failed to timely file the semi-annual campaign statement due
February 2, 2015, in violation of Section 84200.

///

1 Count 9: The Committee and Williams failed to timely file the semi-annual campaign statement due
2 July 31, 2015, in violation of Section 84200.

3 Count 10: The Committee and Williams failed to timely file the semi-annual campaign statement due
4 February 1, 2016, in violation of Section 84200.

5 Count 11: The Committee and Williams failed to timely file the semi-annual campaign statement due
6 August 1, 2016, in violation of Section 84200.

7 Count 12: The Committee and Williams failed to timely file the semi-annual campaign statement due
8 January 31, 2017, in violation of Section 84200.

9 Count 13: The Committee and Williams failed to pay the 2014 annual fee by the January 15, 2014
10 due date, in violation of Section 84101.5, subdivision (c).

11 Count 14: The Committee and Williams failed to pay the 2015 annual fee by the January 15, 2015
12 due date, in violation of Section 84101.5, subdivision (c).


13 Additionally, after finding probable cause exists, the Enforcement Division requests an order by
14 the Hearing Officer that an accusation be prepared against the Committee and Williams and served upon
15 them.³

16 A copy of this Request was mailed via U.S. Mail to the Committee and Williams on June 1, 2017,
17 at the last known address, as follows:

18 Mark Williams
19 Williams for AC Transit Board 2014
20 [REDACTED]

21 Dated: 6/8/2017

22 Respectfully Submitted,
23 **FAIR POLITICAL PRACTICES COMMISSION**
24 Galena West
25 Chief of Enforcement

26 
27 By: Ruth Yang
28 Commission Counsel
Enforcement Division

³ Gov. Code § 11503.

EXHIBIT A

1 GALENA WEST
Chief of Enforcement
2 AMANDA KELLY
Commission Counsel
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 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
9 **STATE OF CALIFORNIA**

11 In the Matter of) FPPC No. 16/205
12)
13) **REPORT IN SUPPORT OF A FINDING OF**
14) **PROBABLE CAUSE**
15)
16 WILLIAMS FOR AC TRANSIT)
BOARD 2014 AND MARK WILLIAMS,) Conference Date: TBA
17) Conference Time: TBA
18) Conference Location: Commission Offices
19 Respondents.) 428 J Street, Suite 620
20) Sacramento, CA 95814
21)

22 **INTRODUCTION**

23 Respondent Mark Williams (“Williams”) is a member of the Alameda-Contra Costa Transit
24 District Board of Directors (the “AC Transit Board”). Respondent Williams for AC Transit Board 2014
25 (the “Committee”) is his candidate-controlled committee. Williams is also the Committee’s treasurer.

26 The Political Reform Act (the “Act”)¹ requires candidate-controlled committees to file campaign
27 statements to disclose their contributions received and expenditures made. The Act also requires each
28 committee required to file a statement of organization to pay the Secretary of State (“SOS”) an annual

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 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 \$50 fee by January 15 every year until the termination of the committee. The Committee and Williams
2 violated the Act by failing to timely file 12 campaign statements between January 1, 2012 and December
3 31, 2016, and failing to timely pay the annual fees for 2014 and 2015.

4 **SUMMARY OF THE LAW**

5 All legal references and discussions of law pertain to the Act's provisions as they existed in 2012
6 through 2016.

7 Jurisdiction

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

10 Probable Cause Proceedings

11 Prior to the Enforcement Division commencing an administrative action, the General Counsel of
12 the Commission or her designee (the "hearing officer"), must make a finding that there is probable cause
13 to believe the respondent has violated the Act.³ After a finding of probable cause, the Commission may
14 hold a noticed hearing in accordance with the Administrative Procedure Act⁴ to determine whether
15 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.⁵

16 Standard for Finding Probable Cause

17 To make a finding of probable cause, the hearing officer must be presented with sufficient
18 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
19 that a respondent committed or caused a violation.⁶

20 ///

21 ///

22 ///

24 ² Section 83116.

25 ³ Section 83115.5, and Regulations 18361 and 18361.4.

26 ⁴ Section 11500, et seq.

27 ⁵ Section 83116, and Regulation 18361.4, subd. (e).

28 ⁶ 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.⁷ To that end, the Act must be liberally construed to achieve its purposes.⁸

5 There are many purposes of the Act. One purpose is to ensure voters are fully informed and
6 improper practices are inhibited by requiring all committees to disclose all contributions and expenditures
7 made throughout a campaign.⁹ Another is to provide adequate enforcement mechanisms so that the Act
8 will be “vigorously enforced.”¹⁰

9 Semi-Annual Campaign Statements

10 The Act requires a controlled committee to file semi-annual statements twice per year to disclose
11 its campaign contributions and expenditures.¹¹ A committee must file a semi-annual statement by January
12 31 for the period ending December 31 and by July 31 for the period ending June 30, or the next business
13 day if the deadline falls on a weekend or holiday.¹²

14 Pre-Election Campaign Statements

15 For the general election, a committee must file a pre-election campaign statement for the period
16 ending September 30 no later than October 5.¹³ A committee must also file a second pre-election
17 campaign statement for the period ending 17 days before the election no later than 12 days before the
18 election.¹⁴ These deadlines are extended to the next business day if they fall on a weekend or holiday.¹⁵

19 ///

20 ///

21 ///

22 ⁷ Section 81001, subd. (h).

23 ⁸ Section 81003.

24 ⁹ Section 81002, subd. (a).

25 ¹⁰ Section 81002, subd. (f).

26 ¹¹ Section 84200.5, subd. (b).

27 ¹² Section 84200, subd. (a) and Regulation 18116, subd. (a).

28 ¹³ Section 84200.7, subd. (b)(1).

¹⁴ Section 84200.7, subd. (b)(2).

¹⁵ Regulation 18116, subd. (a).

1 Annual Fee

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

6 Liability for Violations

7 Any person who violates any provision of the Act, who purposely or negligently causes any other
8 person to violate any provision of the Act, or who aids and abets any other person in the violation of any
9 provision of the Act, is liable for administrative penalties up to \$5,000 per violation.¹⁸ This only applies
10 to persons who have filing or reporting obligations under the Act, or who are compensated for services
11 involving the planning, organizing or directing of any activity regulated or required by the Act.¹⁹

12 **SUMMARY OF THE EVIDENCE**

13 The Committee qualified as a candidate-controlled committee on or about October 21, 2010, the
14 date it indicated on its statement of organization. Williams was first elected to the AC Transit Board on
15 November 2, 2010, and was re-elected on November 4, 2014.

16 On January 31, 2011, the Committee and Williams timely filed a semi-annual campaign statement
17 for the period of October 17, 2010 through December 31, 2010. That statement showed the Committee
18 had an ending cash balance of \$6,296.65. The Committee and Williams failed to file subsequent
19 campaign statements.

20 On September 12, 2014, the Committee and Williams filed an amended statement of organization
21 with SOS, which changed the Committee's name for the 2014 election. However, the Committee and
22 Williams failed to timely file semi-annual campaign statements for the years of 2012, 2013, 2014, 2015,
23
24

25 ¹⁶ Section 84101.5, subd. (c).

26 ¹⁷ Section 84101.5, subd. (d).

27 ¹⁸ Sections 83116 and 83116.5.

28 ¹⁹ Section 83116.5.

1 and 2016, and failed to timely file pre-election campaign statements for the periods of July 1, 2014
2 through September 30, 2014 and October 1, 2014 through October 18, 2014.

3 The Committee and Williams failed to pay the 2014 annual fee to SOS by the January 1, 2014
4 deadline, and failed to pay the 2015 annual fee by the January 1, 2015 deadline. SOS sent the Committee
5 and Williams multiple notices of their failure to pay the delinquent annual fees and penalties, then referred
6 the matter to the Enforcement Division. The Committee and Williams paid the 2014 annual fee and
7 penalty to SOS on October 15, 2015, paid the 2015 annual fee on October 15, 2015, and paid the 2015
8 penalty for failing to timely pay the annual fee on January 4, 2016.

9 The Enforcement Division attempted to contact the Committee and Williams via U.S. mail on
10 February 26, 2016 regarding the committee's delinquent campaign statements and annual fees. The
11 Committee and Williams failed to respond. As of February 8, 2017, the delinquent campaign statements
12 have not been filed and the Committee has not been terminated.

13 **VIOLATIONS**

14 Count 1: Failure to Timely File a Semi-Annual Campaign Statement

15 The Committee and Williams failed to timely file the semi-annual campaign statement due July
16 31, 2012, in violation of Section 84200.

17 Count 2: Failure to Timely File a Semi-Annual Campaign Statement

18 The Committee and Williams failed to timely file the semi-annual campaign statement due January
19 31, 2013, in violation of Section 84200.

20 Count 3: Failure to Timely File a Semi-Annual Campaign Statement

21 The Committee and Williams failed to timely file the semi-annual campaign statement due July
22 31, 2013, in violation of Section 84200.

23 Count 4: Failure to Timely File a Semi-Annual Campaign Statement

24 The Committee and Williams failed to timely file the semi-annual campaign statement due January
25 31, 2014, in violation of Section 84200.

26 ///

1 Count 5: Failure to Timely File a Semi-Annual Campaign Statement

2 The Committee and Williams failed to timely file the semi-annual campaign statement due July
3 31, 2014, in violation of Section 84200.

4 Count 6: Failure to Timely File a Pre-Election Campaign Statement

5 The Committee and Williams failed to timely file the pre-election campaign statement due October
6 6, 2014, in violation of Section 84200.7, subdivision (b).

7 Count 7: Failure to Timely File a Pre-Election Campaign Statement

8 The Committee and Williams failed to timely file the pre-election campaign statement due October
9 23, 2014, in violation of Section 84200.7, subdivision (b).

10 Count 8: Failure to Timely File a Semi-Annual Campaign Statement

11 The Committee and Williams failed to timely file the semi-annual campaign statement due
12 February 2, 2015, in violation of Section 84200.

13 Count 9: Failure to Timely File a Semi-Annual Campaign Statement

14 The Committee and Williams failed to timely file the semi-annual campaign statement due July
15 31, 2015, in violation of Section 84200.

16 Count 10: Failure to Timely File a Semi-Annual Campaign Statement

17 The Committee and Williams failed to timely file the semi-annual campaign statement due
18 February 1, 2016, in violation of Section 84200.

19 Count 11: Failure to Timely File a Semi-Annual Campaign Statement

20 The Committee and Williams failed to timely file the semi-annual campaign statement due August
21 1, 2016, in violation of Section 84200.

22 Count 12: Failure to Timely File a Semi-Annual Campaign Statement

23 The Committee and Williams failed to timely file the semi-annual campaign statement due January
24 31, 2017, in violation of Section 84200.

25 ///

26 ///

1 Count 13: Failure to Timely Pay the 2014 Annual Fee

2 The Committee and Williams failed to pay the 2014 annual fee by the January 15, 2014 due date,
3 in violation of Section 84101.5, subdivision (c).

4 Count 14: Failure to Timely Pay the 2015 Annual Fee

5 The Committee and Williams failed to pay the 2015 annual fee by the January 15, 2015 due date,
6 in violation of Section 84101.5, subdivision (c).

7 **OTHER RELEVANT MATERIAL**

8 The Committee and Williams also failed to timely file semi-annual campaign statements for the
9 periods of January 1, 2011 through June 30, 2011 and July 1, 2011 through December 31, 2011.

10 **EXCULPATORY AND MITIGATING INFORMATION**

11 The Enforcement Division is not aware of any exculpatory or mitigating information.

12 **CONCLUSION**

13 Probable cause exists to believe that the Committee and Williams violated the Act by failing to
14 timely file 12 campaign statements and failing to timely pay the 2014 and 2015 annual fees. The
15 Enforcement Division respectfully requests an order finding probable cause pursuant to Section 83115.5
16 and Regulation 18361.4.

17
18 Dated: 2-15-17

19
20 Respectfully Submitted,

21 **FAIR POLITICAL PRACTICES COMMISSION**

22 Galena West
23 Enforcement Chief

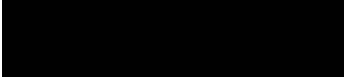
24 Amanda Kelly
25 By: Amanda Kelly
26 Commission Counsel
27 Enforcement Division

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Mark Williams
Williams for AC Transit Board 2014



9590 9402 1628 6053 9765 57

2. Article Number (Transfer from service label)

7016 0340 0000 7163 8237

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Agent

Addressee

B. Received by (Printed Name)

Mark Williams

C. Date of Delivery

3-8-17

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

Mail

Mail Restricted Delivery

0)

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

Domestic Return Receipt

EXHIBIT B

Exhibit A-5

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3

4 In the Matter of) FPPC No. 16/205

5)

6 WILLIAMS FOR AC TRANSIT) FINDING OF PROBABLE CAUSE AND AN

7 BOARD 2014 AND MARK) ORDER TO PREPARE AND SERVE AN

8 WILLIAMS,) ACCUSATION

9 Respondents.) Gov. Code § 83115.5

10 By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation

11 Be Prepared and Served, dated June 8, 2017, the Enforcement Division submitted the above-entitled

12 matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request

13 for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served (“Ex Parte

14 Request”), the Enforcement Division served a Report in Support of a Finding of Probable Cause (“PC

15 Report”) on respondents Williams for AC Transit Board 2014 (the “Committee”) and Mark Williams

16 (“Williams”) concerning this matter on March 8, 2017, by certified mail, return receipt requested.

17 Accompanying the PC Report was a packet of materials that informed the Committee and Williams of

18 their right to file a written response to the PC Report and to request a probable cause conference within

19 21 days following service of the PC Report. During the 21 days that followed service of the PC Report,

20 the Committee and Williams did not file a response to the PC Report or request a probable cause

21 conference. Pursuant to California Code of Regulations title 2, section 18361.4, determination of probable

22 cause may be made solely on papers submitted when the respondent does not request a probable cause

23 conference.¹

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

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

26 ///

27

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

1 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 the Committee and Williams and the subsequent Ex Parte Request in
7 this matter alleges 14 violations of the Political Reform Act were committed, as follows:

8
9 Count 1: The Committee and Williams failed to timely file the semi-annual campaign statement
10 due July 31, 2012, in violation of Section 84200.

11 Count 2: The Committee and Williams failed to timely file the semi-annual campaign statement due
12 January 31, 2013, in violation of Section 84200.

13 Count 3: The Committee and Williams failed to timely file the semi-annual campaign statement due
14 July 31, 2013, in violation of Section 84200.

15 Count 4: The Committee and Williams failed to timely file the semi-annual campaign statement due
16 January 31, 2014, in violation of Section 84200.

17 Count 5: The Committee and Williams failed to timely file the semi-annual campaign statement due
18 July 31, 2014, in violation of Section 84200.

19 Count 6: The Committee and Williams failed to timely file the pre-election campaign statement due
20 October 6, 2014, in violation of Section 84200.7, subdivision (b).

21 Count 7: The Committee and Williams failed to timely file the pre-election campaign statement due
22 October 23, 2014, in violation of Section 84200.7, subdivision (b).

23 Count 8: The Committee and Williams failed to timely file the semi-annual campaign statement due
24 February 2, 2015, in violation of Section 84200.

25 Count 9: The Committee and Williams failed to timely file the semi-annual campaign statement due
26 July 31, 2015, in violation of Section 84200.

27 Count 10: The Committee and Williams failed to timely file the semi-annual campaign statement due
28 February 1, 2016, in violation of Section 84200.

Count 11: The Committee and Williams failed to timely file the semi-annual campaign statement due
August 1, 2016, in violation of Section 84200.

///

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

1 Count 12: The Committee and Williams failed to timely file the semi-annual campaign statement due
2 January 31, 2017, in violation of Section 84200.

3 Count 13: The Committee and Williams failed to pay the 2014 annual fee by the January 15, 2014
4 due date, in violation of Section 84101.5, subdivision (c).


5 Count 14: The Committee and Williams failed to pay the 2015 annual fee by the January 15, 2015
6 due date, in violation of Section 84101.5, subdivision (c).

7 Based on the Ex Parte Request given to me, I find that notice has been given to the Committee and
8 Williams.³ I further find, based on the PC Report and the Ex Parte Request, that there is probable cause to
9 believe the Committee and Williams violated the Political Reform Act as alleged in Counts 1 through 14,
10 as identified above.

11 I therefore direct that the Enforcement Division issue an accusation against the Committee and
12 Williams in accordance with this finding.

13 IT IS SO ORDERED.

14
15 Dated: 6/19/17



Brian Lau, Hearing Officer
Fair Political Practices Commission

16
17
18
19
20
21
22
23
24
25
26
27
28

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

FPPC No. 16/205, In the matter of Williams for AC Transit Board 2014 and Mark Williams

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. Mark Williams

(By Personal Service) On Monday, June 19, 2017, at approximately 2:15 p.m., I personally served:

Ruth Yang, Commission Counsel, 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 June 19, 2017.



Sheva Tabatabaiejad

Exhibit A-6

1 GALENA WEST
Chief of Enforcement
2 RUTH YANG
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
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. 16/205
12) **ACCUSATION**
13 WILLIAMS FOR AC TRANSIT)
14 BOARD 2014 AND MARK WILLIAMS,)
15) (Gov. Code § 11503)
16 Respondent.)
17

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

20 **JURISDICTION**

21 1. Complainant is the Enforcement Division of the Fair Political Practices Commission (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 the
26 Enforcement Division the duty to administer, implement, and enforce the provisions of the Political
27 Reform Act, found at Government Code Sections 81000 through 91014.

1 9. Candidate-controlled committees must file semi-annual campaign statements each year
2 no later than July 31 for the reporting period ending on June 30, and no later than January 31 of the
3 following year for the semi-annual reporting period ending December 31.⁶ When a filing deadline falls
4 on a Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.⁷

5 **B. Duty to File Pre-Election Campaign Statements**

6 10. In addition to semi-annual campaign statements all candidates being voted upon on the
7 first Tuesday after the first Monday in June or November of an even-numbered year, and their controlled
8 committees, must file pre-election campaign statements.⁸

9 11. Candidate-controlled committees must file a pre-election campaign statement no later
10 than October 5 for the period ending September 30, and a second pre-election statement no later than 12
11 days before the election for the period ending 17 days before the election.⁹ If the deadline falls on a
12 Saturday, Sunday, or official state holiday, the deadline is extended to the next business day.¹⁰

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

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

23
24 _____
25 ⁶ Section 84200, subd. (a).

26 ⁷ Regulation 18116.

27 ⁸ Section 84200.5, subd. (c).

28 ⁹ Section 84200.7, subd. (b).

¹⁰ Regulation 18116.

¹¹ Reg. 18361.5, subd. (d).

1 **GENERAL FACTS**

2 13. The Committee qualified as a candidate-controlled committee on or about
3 October 21, 2010, the date it indicated on its statement of organization.

4 14. Williams was first elected to the AC Transit Board on November 2, 2010.

5 15. On January 31, 2011, the Committee and Williams timely filed a semi-annual campaign
6 statement for the period of October 17, 2010 through December 31, 2010. That statement showed the
7 Committee had an ending cash balance of \$6,295.65. The Committee did not file any subsequent
8 campaign statements.

9 16. On September 12, 2014, the Committee and Williams filed an amended statement of
10 organization with the Secretary of State, which changed the Committee's name for the 2014 election.

11 17. Williams was re-elected to the AC Transit Board on November 4, 2014

12 18. The Committee and Williams failed to timely file semi-annual campaign statements for
13 the years 2012, 2013, 2014, 2015, and 2016. The Committee and Williams also failed to timely file pre-
14 election campaign statements for the periods covering July 1, 2014 through September 30, 2014 and
15 October 1, 2014 through October 18, 2014.

16 **PROCEDURAL HISTORY**

17 19. The Secretary of State initially referred the Committee for failure to pay the delinquent
18 annual fees and penalties to the Enforcement Division.

19 20. The Enforcement Division attempted to contact the Committee and Williams via U.S. mail
20 on February 26, 2016 regarding the Committee's delinquent campaign statements and annual fees. The
21 Enforcement Division also sent emails on November 16, 2016; November 28, 2016; and January 6, 2017.
22 The Committee and Williams failed to respond.

23 21. As of July 25, 2017, the delinquent campaign statements have not been filed, and the
24 Committee has not been terminated.

25 22. The Enforcement Division initiated an administrative action against the Committee and
26 Williams in this matter by serving them with a packet containing a cover letter, a Report in Support of a
27 Finding of Probable Cause ("PC Report"), a fact sheet regarding probable cause proceedings, selected
28

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

3 23. The Committee and Williams were served with the PC Report on March 8, 2017. The
4 information contained in the packet advised the Committee and Williams that they had 21 days in which
5 to request a probable cause conference and/or to file a written response to the PC Report.

6 24. The Committee and Williams did not request a probable cause conference or file a written
7 response to the PC Report.

8 25. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an
9 Accusation Be Prepared and Served ("Ex Parte Request"), dated June 8, 2017, the Enforcement Division
10 submitted the matter to the Hearing Officer for a determination of Probable Cause.

11 26. On or about June 19, 2017, the Hearing Officer issued an order finding, based on the Ex
12 Parte Request and the PC Report, there was probable cause to believe the Committee and Williams
13 violated the Act, and directed the Enforcement Division to issue an Accusation against the Committee
14 and Williams in accordance with the finding.

15 **VIOLATIONS**

16 27. The Committee and Williams committed 12 violations of the Act, as follows:

17 **Count 1**

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

19 28. Complainant incorporates paragraphs 1-29 of this Accusation, as though completely set
20 forth here.

21 29. As an active committee and its candidate, the Committee and Williams had a duty to file
22 a semi-annual statement for the period of January 1, 2012 through June 30, 2012 by July 31, 2012.

23 30. The Committee and Williams failed to timely file the semi-annual statement for the period
24 of January 1, 2012 through June 30, 2012 by the July 31, 2012 deadline.

25 31. By failing to timely file the semi-annual statement by July 31, 2012, the Committee and
26 Williams violated Section 84200.

1 **Count 2**

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

3 32. Complainant incorporates paragraphs 1-33 of this Accusation, as though completely set
4 forth here.

5 33. As an active committee and its candidate, the Committee and Williams had a duty to file
6 a semi-annual statement for the period of July 1, 2012 through December 31, 2012 by January 31, 2013.

7 34. The Committee and Williams failed to timely file the semi-annual statement for the period
8 of July 1, 2012 through December 31, 2012 by the January 31, 2013 deadline.

9 35. By failing to timely file the semi-annual statement by January 31, 2013, the Committee
10 and Williams violated Section 84200.

11 **Count 3**

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

13 36. Complainant incorporates paragraphs 1-37 of this Accusation, as though completely set
14 forth here.

15 37. As an active committee and its candidate, the Committee and Williams had a duty to file
16 a semi-annual statement for the period of January 1, 2013 through June 30, 2013 by July 31, 2013.

17 38. The Committee and Williams failed to timely file the semi-annual statement for the period
18 of January 1, 2013 through June 30, 2013 by the July 31, 2013 deadline.

19 39. By failing to timely file the semi-annual statement by July 31, 2013, the Committee and
20 Williams violated Section 84200.

21 **Count 4**

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

23 40. Complainant incorporates paragraphs 1-41 of this Accusation, as though completely set
24 forth here.

25 41. As an active committee and its candidate, the Committee and Williams had a duty to file
26 a semi-annual statement for the period of July 1, 2013 through December 31, 2013 by January 31, 2014.
27

1 **Count 7**

2 **Failure to Timely File a Pre-Election Statement**

3 52. Complainant incorporates paragraphs 1-53 of this Accusation, as though completely set
4 forth here.

5 53. As an active Committee and its candidate, the Committee and Williams had a duty to file
6 a pre-election statement for the period of October 1, 2014 through October 18, 2014 by October 23, 2014.

7 54. The Committee and Williams failed to timely file the pre-election statement for the period
8 of October 1, 2014 through October 18, 2014 by the October 23, 2014 deadline.

9 55. By failing to timely file the semi-annual statement by October 23, 2014, the Committee
10 and Williams violated Section 84200.7, subdivision (b).

11 **Count 8**

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

13 56. Complainant incorporates paragraphs 1-57 of this Accusation, as though completely set
14 forth here.

15 57. As an active committee and its candidate, the Committee and Williams had a duty to file
16 a semi-annual statement for the period of October 19, 2014 through December 31, 2014 by
17 February 2, 2015.

18 58. The Committee and Williams failed to timely file the semi-annual statement for the period
19 of October 19, 2014 through December 31, 2014 by the February 2, 2015 deadline.

20 59. By failing to timely file the semi-annual statement by February 2, 2015, the Committee
21 and Williams violated Section 84200.

22 **Count 9**

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

24 60. Complainant incorporates paragraphs 1-61 of this Accusation, as though completely set
25 forth here.

26 61. As an active committee and its candidate, the Committee and Williams had a duty to file
27 a semi-annual statement for the period of January 1, 2015 through June 30, 2015 by July 31, 2015.

1 **Count 12**

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

3 72. Complainant incorporates paragraphs 1-73 of this Accusation, as though completely set
4 forth here.

5 73. As an active committee and its candidate, the Committee and Williams had a duty to file
6 a semi-annual statement for the period of July 1, 2016 through December 31, 2016 by January 31, 2017.

7 74. The Committee and Williams failed to timely file the semi-annual statement for the period
8 of July 1, 2016 through December 31, 2016 by the January 31, 2017 deadline.

9 75. By failing to timely file the semi-annual statement by January 31, 2017, the Committee
10 and Williams violated Section 84200.

11 **EXCULPATORY OR MITIGATING FACTORS**

12 76. The Enforcement Division is not aware of any exculpatory or mitigating information.

13 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

14 77. The Committee and Williams did not disclose any of the Committee's activity before the
15 November 4, 2014 election.

16 78. Williams currently is in office as a Director of the Alameda-Contra Costa Transit District
17 Board of Directors. His term expires in 2018.

18 **PRAYER**

19 WHEREFORE, Complainant prays as follows:

- 20 1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and
21 Regulation 18361.5, and at such hearing find that Respondents Williams for AC Transit
22 Board 2014 and Mark Williams violated the Act as alleged herein;
- 23 2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
24 order the Committee and Williams to pay a monetary penalty of at least One Thousand
25 Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the
26 Political Reform Act alleged in **Count 1**;

- 1 3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
2 order the Committee and Williams to pay a monetary penalty of at least One Thousand
3 Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the
4 Political Reform Act alleged in **Count 2**;
- 5 4. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
6 order the Committee and Williams to pay a monetary penalty of at least One Thousand
7 Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the
8 Political Reform Act alleged in **Count 3**;
- 9 5. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
10 order the Committee and Williams to pay a monetary penalty of at least One Thousand
11 Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the
12 Political Reform Act alleged in **Count 4**;
- 13 6. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
14 order the Committee and Williams to pay a monetary penalty of at least One Thousand
15 Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the
16 Political Reform Act alleged in **Count 5**;
- 17 7. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
18 order the Committee and Williams to pay a monetary penalty of at least Two Thousand
19 Dollars (\$2,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the
20 Political Reform Act alleged in **Count 6**;
- 21 8. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
22 order the Committee and Williams to pay a monetary penalty of at least Two Thousand
23 Dollars (\$2,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the
24 Political Reform Act alleged in **Count 7**;
- 25 9. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
26 order the Committee and Williams to pay a monetary penalty of at least One Thousand
27

1 Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the
2 Political Reform Act alleged in **Count 8**;

3 10. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
4 order the Committee and Williams to pay a monetary penalty of at least One Thousand
5 Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the
6 Political Reform Act alleged in **Count 9**;

7 11. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
8 order the Committee and Williams to pay a monetary penalty of at least One Thousand
9 Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the
10 Political Reform Act alleged in **Count 10**;

11 12. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
12 order the Committee and Williams to pay a monetary penalty of at least One Thousand
13 Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the
14 Political Reform Act alleged in **Count 11**;

15 13. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
16 order the Committee and Williams to pay a monetary penalty of at least One Thousand
17 Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the
18 Political Reform Act alleged in **Count 12**;


19 14. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision
20 (d), consider the following factors in framing a proposed order following a finding of a
21 violation pursuant to Section 83116: (1) the seriousness of the violation; (2) the presence
22 or absence of any intention to conceal, deceive or mislead; (3) whether the violation was
23 deliberate, negligent or inadvertent; (4) whether the violator demonstrated good faith by
24 consulting the Commission staff or any other government agency in a manner not
25 constituting a complete defense under Section 83114, subdivision (b); (5) whether the
26 violation was isolated or part of a pattern and whether the violator has a prior record of
27

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

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

5
6 Dated:

25 July 17



Galena West
Chief of Enforcement
Fair Political Practices Commission

Exhibit A-7

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): GALENA WEST, CHIEF OF ENFORCEMENT RUTH YANG, COMMISSION COUNSEL FAIR POLITICAL PRACTICES COMMISSION 1102 Q Street, Suite 3000 Sacramento, CA 95811 TELEPHONE NO.: (916) 322-5660 FAX NO. (Optional): E-MAIL ADDRESS (Optional): Complainant, Enforcement Division of the ATTORNEY FOR (Name): Fair Political Practices Commission	FOR COURT USE ONLY
BEFORE THE FAIR POLITICAL PRACTICES COMMISSION STATE OF CALIFORNIA	
In the Matter of WILLIAMS FOR AC TRANSIT BOARD 2014 and MARK WILLIAMS	
PROOF OF PERSONAL SERVICE—CIVIL	CASE NUMBER: FPPC No.: 16/205

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action.**
2. I served the following documents (specify):
**ACCUSATION; STATEMENT TO RESPONDENT; NOTICE OF DEFENSE (2 Copies);
 SELECTED SECTIONS OF THE CALIFORNIA GOVERNMENT CODE sections 11506 through 11508,
 ADMINISTRATIVE PROCEDURE ACT; PROOF OF SERVICE**

The documents are listed in the *Attachment to Proof of Personal Service—Civil (Documents Served)* (form POS-020(D)).
3. I personally served the following persons at the address, date, and time stated:
 - a. Name: **Mark Williams**
 - b. Address: [REDACTED]
 - c. Date: **July 30, 2017**
 - d. Time: **10:15 a.m.**

The persons are listed in the *Attachment to Proof of Personal Service—Civil (Persons Served)* (form POS-020(P)).
4. I am
 - a. not a registered California process server.
 - b. a registered California process server.
 - c. an employee or independent contractor of a registered California process server.
 - d. exempt from registration under Business & Professions Code section 22350(b).
5. My name, address, telephone number, and, if applicable, county of registration and number are (specify):
**Kim Atkinson, Alameda County Registered Process Server No.: 904
 Mercury Investigations, PI 12115
 3645 Grand Ave. , Suite 207
 Oakland, CA 94610 Phone: (510) 268-9810**
6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
7. I am a California sheriff or marshal and certify that the foregoing is true and correct.

Date: July 31, 2017

KIM ATKINSON

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



(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

Exhibit A-8



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

Williams for AC Transit Board 2014 and Mark Williams

FPPC Case No. 16/205

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 Ruth Yang, Commission Counsel, Enforcement Division, at (916) 322-7771 or at ryang@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)
)	
WILLIAMS FOR AC TRANSIT)	FPPC Case No. 16/205
BOARD 2014 AND MARK)	
WILLIAMS,)	
)	
)	
Respondents.)	
)	

Williams for AC Transit Board 2014, 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)
)	
WILLIAMS FOR AC TRANSIT)	FPPC Case No. 16/205
BOARD 2014 AND MARK)	
WILLIAMS,)	
)	
)	
Respondents.)	
)	

Williams for AC Transit Board 2014, 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)
)
 WILLIAMS FOR AC TRANSIT) FPPC Case No. 16/205
 BOARD 2014 AND MARK)
 WILLIAMS,)
)
)
 Respondents.)
)

Mark Williams, 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)
)	
WILLIAMS FOR AC TRANSIT)	FPPC Case No. 16/205
BOARD 2014 AND MARK)	
WILLIAMS,)	
)	
)	
Respondents.)	
)	

Mark Williams, 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.

GROUNDNS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip

California Government Code sections 11506 through 11508

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

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

§ 11507.3. Consolidated proceedings; Separate hearings

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

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

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

///

§ 11507.5. Exclusivity of discovery provisions

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

HISTORY: Added Stats 1968 ch 808 § 3.

§ 11507.6. Request for discovery

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

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

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

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

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

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

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

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

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

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

§ 11507.7. Motion to compel discovery; Order

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

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

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

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

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

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

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

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

§ 11508. Time and place of hearing

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

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

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

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

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

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

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

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811.

On 07/26/2017, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 16/205: Accusation;
3. Notice of Defense (Two Copies);
4. Selected Sections of the California Government Code, Administrative Procedure Act.

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

By personal service. At 8:30 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
1102 Q Street, Suite 3000
Sacramento, CA 95811

Personal Service

Mark Williams
Williams for AC Transit Board 2014



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 07/26/2017.

A handwritten signature in black ink, appearing to read 'Roone Peterson', written over a horizontal line.

Roone Peterson

Exhibit A-9

**Recipient Committee
Campaign Statement
Cover Page**

ORIGINAL

Type or print in ink.

SEE INSTRUCTIONS ON REVERSE

Statement covers period
from 10/17/2010
through 12/31/2010

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



- 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 Ballot Measure Committee
 - Controlled
 - Sponsored
 - (Also Complete Part 5)
 - Primarily Formed Candidate/Officeholder Committee
 - (Also Complete Part 7)

- 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

I.D. NUMBER
1332213

Treasurer(s)

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
Williams for ac transit board 2010

NAME OF TREASURER
Mark Williams
MAILING ADDRESS

STREET ADDRESS (NO P.O. BOX)
CITY Castro Valley STATE CA ZIP CODE 94546 AREA CODE/PHONE

CITY Castro Valley STATE CA ZIP CODE 94546 AREA CODE/PHONE
NAME OF ASSISTANT TREASURER, IF ANY
MAILING ADDRESS

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

CITY STATE ZIP CODE AREA CODE/PHONE
OPTIONAL: FAX / E-MAIL ADDRESS

OPTIONAL: FAX / E-MAIL ADDRESS

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 and belief, the information furnished is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and complete.

which is true and complete. I certify

Executed on 1/31/11 By _____
Executed on 1/31/11 By _____
Executed on _____ By _____
Executed on _____ By _____



Signature of Controlling Officeholder, Candidate, State Measure Proposer
PPPC Form 460 (January/05)
PPPC Toll-Free Helpline: 866/ASIK-PPPC (866/276-5172)
State of California

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

Type or print in ink.

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE _____
 Mark Williams
 OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE) _____
 Alameda-Contra Costa Transit District County
 RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP
 Castro Valley CA 94546

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
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS STREET ADDRESS (NO. P.O. BOX)	
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 STREET ADDRESS (NO. P.O. BOX)	
CITY STATE ZIP CODE AREA CODE/PHONE	

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE _____
 BALLOT NO. OR LETTER JURISDICTION
 SUPPORT
 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.

Statement covers period from 10/17/2010 through 12/31/2010	Page 3 of 6
--	-------------

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER
Williams for ac transic board 2010

SUMMARY PAGE
CALIFORNIA
FORM 460
I.D. NUMBER
1332213

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	Schedule A, Line 3 \$7,300.00	\$8,775.00
2. Loans Received	Schedule B, Line 3 \$0.00	\$0.00
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2 \$7,300.00	\$8,775.00
4. Nonmonetary Contributions	Schedule C, Line 3 \$0.00	\$0.00
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4 \$7,300.00	\$8,775.00

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 \$ _____ \$ _____

Expenditures Made

6. Payments Made	Schedule E, Line 4 \$1,554.35	\$2,479.35
7. Loans Made	Schedule F, Line 3 \$0.00	\$0.00
8. SUBTOTAL CASH PAYMENTS	Add Lines 6 + 7 \$1,554.35	\$2,479.35
9. Accrued Expenses (Unpaid Bills)	Schedule F, Line 3 \$0.00	\$0.00
10. Nonmonetary Adjustment	Schedule C, Line 3 \$0.00	\$0.00
11. TOTAL EXPENDITURES MADE	Add Lines 8 + 9 + 10 \$1,554.35	\$2,479.35

Expenditure Limit Summary for State Candidates

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

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

_____ \$ _____

Current Cash Statement

12. Beginning Cash Balance	Previous Summary Page, Line 16 \$550.00
13. Cash Receipts	Column A, Line 3 above \$7,300.00
14. Miscellaneous Increases to Cash	Schedule I, Line 4 \$0.00
15. Cash Payments	Column A, Line 8 above \$1,554.35
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15 \$6,295.65

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

LOAN GUARANTEES RECEIVED

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).

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

**Schedule A
Monetary Contributions Received**

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

SCHEDULE A
CALIFORNIA
FORM
460

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER
Williams for ac transit board 2010

Statement covers period
from 10/17/2010
through 12/31/2010

Page 4 of 6

I.D. NUMBER
1332213

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER ID NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/20/2010	ARSCHE Local 3916 (#1332213) Oakland CA 94612	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$1,000.00	\$1,000.00	
10/20/2010	ATU Special Holding Account (#761357) Washington, DC DC 20016	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$3,000.00	\$3,000.00	
11/02/2010	Anna Scott Gillmer TX 75645	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	\$100.00	\$100.00	
11/02/2010	Walter q Scott Gillmer TX 75645	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired	\$100.00	\$100.00	
11/02/2010	Teamsters Drive Committee (#C00032979) Washington, DC DC 20001	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$1,000.00	\$1,000.00	
SUBTOTAL \$				\$5,200.00		

- Schedule A Summary**
- Amount received this period - itemized monetary contributions.
(Include all Schedule A subtotals.) \$ 7,300.00
 - Amount received this period - unitemized monetary contributions of less than \$100 \$ 50.00
 - Total monetary contributions received this period.
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) **TOTAL \$** 7,300.00

*Contributor Codes
IND - Individual
COM - Recipient Committee
(other than PTY or SCC)
OTH - Other (e.g., business entity)
PTY - Political Party
SCC - Small Contributor Committee

**Schedule A (Continuation Sheet)
Monetary Contributions Received**

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

Statement covers period
from 10/17/2010
through 12/31/2010

Page 5 of 5

CALIFORNIA FORM 460

NAME OF FILER
Williams for ac transit board 2010

I.D. NUMBER
1332213

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR <small>(IF COMMITTEE, ALSO ENTER ID NUMBER)</small>	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER <small>(IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)</small>	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR <small>(JAN. 1 - DEC. 31)</small>	PER ELECTION TO DATE <small>(IF REQUIRED)</small>
11/05/2010	Adrianna Williams Castro Valley CA 94546	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Sales Associate Coco's Candy	\$100.00	\$100.00	
12/07/2010	ATU Special Holding Account Washington DC DC 20036	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$2,000.00	\$2,000.00	
SUBTOTAL \$				\$2,100.00		

*Contributor Codes
IND - Individual
COM - Recipient Committee
(other than PTY or SCC)
OTH - Other (e.g., business entity)
PTY - Political Party
SCC - Small Contributor Committee

**Schedule E
Payments Made**

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

SCHEDULE
CALIFORNIA
FORM
460

Statement covers period
from 10/17/2010
through 12/31/2010

Page 6 of 6

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER
Williams for ac transit board 2010

I.D. NUMBER
1332213

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

- OMP campaign paraphernalia/misc.
- CNS campaign consultants
- CTB contribution (explain nonmonetary)*
- CVC civic donations
- FL candidate filing/ballot fees
- RND fundraising events
- ND independent expenditure supporting/opposing others (explain)*
- LEG legal defense
- LT campaign literature and mailings
- MBR member communications
- MTG meetings and appearances
- OFC office expenses
- FET petition circulating
- PHD phone banks
- FOL polling and survey research
- POS postage, delivery and messenger services
- PRO professional services (legal, accounting)
- PRT print ads
- RAD radio airtime and production costs
- RFD returned contributions
- SAL campaign workers salaries
- TEL tv or cable airtime and production costs
- TRC candidate travel, lodging, and meals
- TR3 staff/spouse travel, lodging, and meals
- TSF transfer between committees of the same candidate/sponsor
- VOT voter registration
- WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE ALSO ENTER ID NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Best Buy	OFC			\$1,079.08
Union City CA 94587				
Florence's Catering	TRS			\$400.00
Oakland CA 94605				

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

Schedule E Summary

1. Itemized payments made this period. (Include all Schedule E subtotals.) \$ 1,479.08
2. Unitemized payments made this period of under \$100 \$ 875.27
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) \$ 0.00
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) **TOTAL \$ 1,554.35**

SUBTOTAL \$ 1,479.08

Exhibit A-10



FAIR POLITICAL PRACTICES COMMISSION

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

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

February 26, 2016

Mark Williams
o/b/o Williams For AC Transit Board 2014

Re: Committee's Failure to Pay an Annual Fee and Penalty and Failure to File Campaign Statement(s); FPPC Case No. 16-0205; Williams For AC Transit Board 2014; Committee ID 1332213

Dear Mark Williams:

Section 84101.5¹ of the Political Reform Act (the "Act")² requires every recipient committee in California to pay a \$50 annual fee to the Secretary of State's ("SOS") office. Committees that fail to pay the fee on time are subject to a \$150 penalty, in addition to the fee, which is enforceable by the Fair Political Practices Commission ("Commission"). As a result, SOS referred you and the Williams For AC Transit Board 2014 to the Commission's Enforcement Division for the failure to pay the 2014 annual fee and penalty.

In addition, the Enforcement Division has identified that you and the Williams For AC Transit Board 2014 have failed to file campaign statements since September 22, 2014, as required by the Act.

Failing to timely pay the annual fee and penalty and failing to timely file campaign statement(s) is a violation of the Act. As the treasurer, you are joint and severally liable along with the Committee for these violations.

At this time, the Enforcement Division requires you and the Williams For AC Transit Board 2014 **file any past-due campaign statements** with your filing officer and **provide** a copy of the file stamped campaign statement(s) to the Enforcement Division **within 15 days** of the date of this letter. Once completed, the Enforcement Division will consider how to proceed with this matter.

¹ Effective as of January 1, 2013.

² The Act is contained in Government Code sections 81000 through 91014. The Commission's regulations are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations.

For more information on your campaign forms, visit our website at www.fppc.ca.gov. If you have any questions regarding the annual fee owed or your filing obligation, please contact Bridgette Castillo at BCastillo@fppc.ca.gov or at 916-324-8787. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bridgette Castillo". The signature is fluid and cursive, with the first name being more prominent.

Bridgette Castillo
Senior Commission Counsel
Enforcement Division

Exhibit A-11

Ruth Yang

From: Ruth Yang
Sent: Monday, December 04, 2017 4:56 PM
To: 'Mark Williams'
Subject: RE: Notice to file Form 460 and pay annual fee

Dear Mr. Williams:

Thank you for getting in touch with me.

Since you are currently in office, you need you to file every campaign statement that was due since January 1, 2011 to the current date. The following are the periods for which you must report:

- January 1, 2011 - June 30, 2011
- July 1, 2011 - December 31, 2011
- January 1, 2012 - June 30, 2012
- July 1, 2012 - December 31, 2012
- January 1, 2013 - June 30, 2013
- July 1, 2013 - December 31, 2013
- January 1, 2014 - June 30, 2014
- July 1, 2014 - September 30, 2014
- October 1, 2014 - October 18, 2014
- October 19, 2014 - December 31, 2014
- January 1, 2015 - June 30, 2015
- July 1, 2015 - December 31, 2015
- January 1, 2016 - June 30, 2016
- July 1, 2016 - December 31, 2016
- January 1, 2017 - June 30, 2017

Once you have the campaign statements filed with your filing officer, I can assess the penalties for your late filings. I can give you until **close of business on December 15, 2017** to have your statements filed. Please let me know if you require assistance in filing your campaign statements. We have staff who can walk you through the process.

If you have any questions or concerns, you are more than welcome to contact me. Thank you.

Sincerely,
Ruth Yang

Ruth Yang



Commission Counsel
Enforcement Division
Fair Political Practices Commission
1102 Q Street, Suite 3000 | Sacramento, CA 95811
(916) 322-7771 | ryang@fppc.ca.gov

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

From: Mark Williams [mailto:maw510@yahoo.com]
Sent: Monday, December 04, 2017 3:36 PM
To: Ruth Yang <ryang@fppc.ca.gov>
Subject: Re: Notice to file Form 460 and pay annual fee

Hi Mrs. Yang,

I would like to work with you to file my delinquent statements, please let me know how I can move forward to complete the process of settling my outstanding requirements.

Mark Williams

Sent from my iPhone

On Nov 30, 2017, at 10:28 AM, Ruth Yang <ryang@fppc.ca.gov> wrote:

Dear Mr. Williams:

I write you as my final attempt to settle your case.

In spite of holding office, you have not filed any campaign statements since the end of 2011. Please let me know if you are interested in working with me to file your delinquent statements. Once those statements are filed, I can send you a stipulated agreement with a demand for a reduced penalty.

In the meantime, I will continue with the administrative action. Please get in touch with me as soon as possible if you would like to settle.

Sincerely,
Ruth Yang

<image002.jpg>**Ruth Yang**
Commission Counsel
Enforcement Division
Fair Political Practices Commission
1102 Q Street, Suite 3000 | Sacramento, CA 95811
(916) 322-7771 | ryang@fppc.ca.gov

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are

not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Ruth Yang
Sent: Thursday, June 01, 2017 2:37 PM
To: mawilliams@actransit.org; maw510@yahoo.com
Subject: Notice to file Form 460 and pay annual fee

Dear Mr. Williams:

I write you on behalf of the Fair Political Practices Commission as a courtesy.

The Secretary of State referred your case to us after you failed to pay the annual fee for 2014 and 2015. The Commission served you with a Probable Cause Report on March 8, 2017, outlining your violations under the Political Reform Act. I attached a copy of it to this email for your review.

I would like to get this case resolved as soon as possible, preferably with your cooperation. Please let me know if you are willing to work with me to that end. As a signal of good faith effort, I ask that you, at the very least, file your Form 460 for the period covering January 1, 2012 through June 30, 2012. Please file it with the County of Alameda by June 7, 2017. Otherwise, I will proceed with the next steps of the administrative process.

Please let me know if you have any questions.

Sincerely,
Ruth Yang

<image005.jpg>**Ruth Yang**
Commission Counsel
Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620 | Sacramento, CA 95814
(916) 322-7771 | ryang@fppc.ca.gov

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

Dominika Wojenska

From: Dominika Wojenska
Sent: Friday, January 06, 2017 3:09 PM
To: 'mawilliams@actransit.org'
Subject: FW: Williams for AC Transit Board 2014, ID 1332213

Dear Mr. Williams,

On November 16, 2016, I reached out to you to notify you of your committee's failure to timely pay the 2014 \$50 Annual Fee to the Secretary of State. I also informed you that your committee had failed to file campaign statements since September 22, 2014.

On November 28, 2016, I sent you a follow-up email. On December 20, 2016, I left you a voice message. I still have not received any response from you as of January 6, 2017.

This email serves as a final request for your required statements. If you fail to comply by January 13, 2017, your case will be assigned to an Enforcement attorney to issue a Report in Support of a Finding of Probable Cause. This Probable Cause Report will begin an administrative action against you and your committee for failure to timely pay your \$50 Annual Fee for 2014 and 2015 and may include charges for missing campaign statements. The Fair Political Practices Commission can assess a penalty of up to \$5,000 for each of these violations of the Act, even if you choose not to cooperate.

Sincerely,



Dominika Wojenska
Enforcement Division
California Fair Political Practices Commission
428 J Street, Suite 620 | Sacramento, CA 95814
• dwojenska@fppc.ca.gov • Phone: (916) 322-2043

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

From: Dominika Wojenska
Sent: Monday, November 28, 2016 4:23 PM
To: 'mawilliams@actransit.org' <mawilliams@actransit.org>
Subject: FW: Williams for AC Transit Board 2014, ID

Dear Mr. Williams,

This email serves as a reminder that the Enforcement Division requires you and the committee to file any past-due campaign statements with your filing officer and provide a stamped copy of the statements via return email **no later than November 30, 2016.**

Please let me know if you have any questions regarding this matter.

Sincerely,



Dominika Wojenska
Enforcement Division
California Fair Political Practices Commission
428 J Street, Suite 620 | Sacramento, CA 95814
• dwojenska@fppc.ca.gov • Phone: (916) 322-2043

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

From: Dominika Wojenska
Sent: Wednesday, November 16, 2016 1:49 PM
To: 'mawilliams@actransit.org' <mawilliams@actransit.org>
Subject: Williams for AC Transit Board 2014, ID

Dear Mr. Williams,

I am emailing you regarding the committee Williams for AC Transit Board 2014, ID 1332213. Your case no. 16/0205 has been transferred to me recently.

In 2012, the Legislature passed Senate Bill 1001. SB 1001, effective January 1, 2013, became section 84101.5 of the Political Reform Act and requires every recipient committee in California to pay a \$50 annual fee to the Secretary of State's Office. Committees that fail to pay the fee on time are subject to a \$150 fine, in addition to the fee, which is enforceable by the Fair Political Practices Commission ("Commission"). The committee Williams for AC Transit Board 2014 was referred to the Commission's Enforcement Division for failing to timely pay the 2014 \$50 annual fee and failing to pay the \$150 penalty.

I confirmed with the Secretary of State's Office that your committee had paid the 2014 fee and penalty on October 15, 2015. Your committee also paid the 2015 and 2016 annual fees.

Additionally, the Enforcement Division has identified that you and your committee have failed to file campaign statements since September 22, 2014. At this time, the Enforcement Division requires you and the committee to file any past-due campaign statements with your filing officer and provide a stamped copy of the statements to me via return email no later than November 30, 2016.

Please let me know if you have any questions regarding this matter.

Sincerely,



Dominika Wojenska
Enforcement Division
California Fair Political Practices Commission
428 J Street, Suite 620 | Sacramento, CA 95814
• dwojenska@fppc.ca.gov • Phone: (916) 322-2043

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

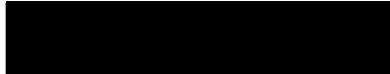
Exhibit A-12



FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

December 20, 2017

Mark Williams
Williams for AC Transit Board 2014



NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

**Re: FPPC No. 16/205
In the Matter of Williams for AC Transit Board 2014 and Mark Williams**

Dear Mr. Williams:

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 **January 18, 2018**, and decide whether to impose an administrative penalty of \$60,000 against you.

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

Following the issuance of the Report in Support of a Finding of Probable Cause, the Commission's Hearing Officer found probable cause that you committed fourteen violations of the Political Reform Act's campaign provisions. Thereafter, the Commission's Chief of Enforcement issued an Accusation against you on twelve of these violations. The Accusation was personally served on you on July 30, 2017. Under the law, you have therefore received adequate notice of these proceedings and the action filed against you. Under the Administrative Procedure Act, you were required to file your Notices of Defense within 15 days after service of the Accusation. You failed to file the Notice 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.

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 January 18, 2018 meeting. Please contact me at (916) 322-7771 or ryang@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth Yang', written in a cursive style.

Ruth Yang
Commission Counsel
Enforcement Division

Enclosures