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10 Attorneys for Complainant

11 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

12 **STATE OF CALIFORNIA**

13 In the Matter of )

FPPC No.: 17/107

14 IN THE MATTER OF FRIENDS OF ANNA )  
15 SONG FOR COUNTY BOARD OF )  
16 EDUCATION 2016 and ANNA SONG, )

DEFAULT DECISION AND  
ORDER

(Government Code Sections 11506  
and 11520)

Respondent.

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

Pursuant to the California Administrative Procedure Act,<sup>1</sup> Anna Song (“Song”) and Friends of Anna Song for County Board of Education 2016 (“Committee”) have been served with all of the documents necessary to conduct an administrative hearing regarding the above-captioned matter, including the following:

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

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

1           4.     A Statement to Respondent; and,

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

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

11           Song and the Committee violated the Political Reform Act as described in Exhibit 1, which is  
12 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: \_\_\_\_\_

\_\_\_\_\_  
Galena West, Chief of Enforcement  
Fair Political Practices Commission

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**ORDER**

The Commission issues this Default Decision and Order and imposes an administrative penalty of \$10,000 upon Anna Song and the committee, Friends of Anna Song for County Board of Education 2016, 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: \_\_\_\_\_

\_\_\_\_\_  
Alice Germond, Chair  
Fair Political Practices Commission

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Anna Song (“Song”) was a successful candidate for the Santa Clara County Board of Education in the November 7, 2000 General Election and was reelected in 2004, 2008, 2012, and 2016. Song ran unopposed for reelection in 2016 and was not listed on the November ballot. Her current term expires in 2020. Respondent Friends of Anna Song for County Board of Education 2016 (“Committee”) is her candidate-controlled committee. Song serves as the Committee’s treasurer.

The Political Reform Act (“Act”)<sup>1</sup> requires controlled committees to file two semiannual campaign statements each year. This matter arose out of a referral sent to the Fair Political Practices Commission’s (the “Commission”) Enforcement Division by the Santa Clara County Registrar of Voters. The Committee and Song violated the Act by failing to timely file two semiannual campaign statements for the reporting periods ending on December 31, 2016, and June 30, 2017.

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

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

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

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<sup>1</sup> 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.

<sup>2</sup> Section 83116.

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

<sup>4</sup> Section 11503.

circumstances, compliance with a Commission regulation would result in a material violation of another department's regulation affecting substantive rights.<sup>5</sup>

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

## PROCEDURAL REQUIREMENTS AND HISTORY

### A. Initiation of the Administrative Action

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

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

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

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-11, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Song in this matter with a Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1), dated January 25, 2018.<sup>12</sup> The

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<sup>5</sup> Section 11506, subdivision (a)(1)-(6).

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

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

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

<sup>9</sup> Section 83115.5.

<sup>10</sup> Section 83115.5.

<sup>11</sup> Section 91000.5.

<sup>12</sup> Section 83115.5.

administrative action commenced on February 25, 2018, the date the Respondent personally received service via a process server (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 Song contained a cover letter and a memorandum describing probable cause proceedings, advising Song that she 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.) Song neither requested a probable cause conference nor submitted a written response to the Report.

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

Because Song 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 March 20, 2018. (Certification, Exhibit A-4.)

On March 23, 2018, Hearing Officer Jack Woodside, General Counsel, Legal Division issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Song. (Certification, Exhibit A-5.)

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

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

Section 11503 states:

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

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<sup>13</sup> Regulation 18361.4, subdivision (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.<sup>14</sup> The APA also sets forth the language required in the accompanying statement to the respondent.<sup>15</sup>

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

On July 3, 2018, the Commission's Chief of Enforcement, Galena West, issued an Accusation against Song in this matter. (Certification, Exhibit A-6.) In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form, copies of Government Code Sections 11506, 11507.5, 11507.6 and 11507.7 were served on Song on July 8, 2018. (Certification, Exhibit A-8.)

Along with the Accusation, the Enforcement Division served Song with a "Statement to Respondent," which notified her that she could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, she would be deemed to have waived the right to a hearing. (Certification, Exhibit A-7.) Song did not file a Notice of Defense within the statutory time period, which ended on July 23, 2018.

As a result, on February 8, 2019, the Enforcement Division sent a letter to Song advising her that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for March 21, 2019. (Certification, Exhibit A-11.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

## SUMMARY OF THE LAW

An express purpose of the Act is to ensure 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.<sup>17</sup> In

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

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

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

<sup>17</sup> Section 81002, subdivision (a).

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.<sup>18</sup>

Controlled committees must file semiannual 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.<sup>19</sup> When a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.<sup>20</sup>

It is the duty of a committee treasurer and the candidate to ensure that the committee complies with the Act's campaign reporting.<sup>21</sup> A treasurer and candidate may be held jointly and severally liable with the committee for violations committed by the committee.<sup>22</sup>

### SUMMARY OF THE EVIDENCE

The Committee filed an initial statement of organization with the Secretary of State on or around December 19, 2001. Song was first elected to the Santa Clara County Board of Education in the November 7, 2000 General Election. She was reelected in 2004, 2008, 2012, and 2016. Her current term expires in 2020.

Song ran unopposed for reelection in 2016 and was not listed on the November ballot. But since the Committee remained open, the Committee was required to file regular semiannual campaign statements. The Committee filed a semiannual campaign statement for the period of January 1, 2016 through June 30, 2016 on August 11, 2016, and reported an ending cash balance of \$5,142.99 (Certification, Exhibit A-10). The Committee failed to meet filing deadlines for subsequent campaign statements due on January 31, 2017 and July 31, 2017, January 31, 2018, and July 31, 2018.

The Santa Clara County Registrar of Voters attempted five contacts between February 2, 2017 and August 2, 2018 notifying the Committee and Song of the delinquent semiannual reports (Certification, Exhibit A-9). The Committee failed to respond and the matter was referred to the Enforcement Division.

On December 18, 2018, the Committee filed campaign statements that were outstanding as of that date. The Committee remains open.

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<sup>18</sup> Sections 84200 through 84225.

<sup>19</sup> Section 84200, subdivision (a).

<sup>20</sup> Regulation 18116.

<sup>21</sup> Sections 81004, 84100, 84104, and Regulation 18427.

<sup>22</sup> Sections 83116.5 and 91006.



Song previously paid a penalty as part of a settlement with FPPC in the matter of "Friends of Anna Song" FPPC Case No. 15/1037, approved by the Commission on January 19, 2017. She paid \$200 for the charge of failure to pay the 2013 Annual Fee.

### Summary of Contacts

Overall, Song was contacted at least 12 times by the Enforcement Division regarding her duty to file campaign statements, in addition to the numerous attempts by the Filing Officer as described above. Song has been responsive to some attempts to communicate, but still has not filed the missing forms. The contacts are as follows:

- Letter sent on February 24, 2017 asking Song to file within 30 days.
- Called on April 27, 2017 and left a voicemail regarding failure to file.
- Letter sent and emailed on May 4, 2017 asking Song to file within 30 days.
- Emailed on November 7, 2017 regarding failure to file.
- Emailed on November 16, 2017.
- Called on December 7, 2017 and left a voicemail.
- Received a phone call on April 2, 2018 from Song.
- Emailed on April 24, 2018.
- Emailed on June 8, 2018.
- Received a phone call on July 17, 2018 from Song.
- Emailed on July 19, 2018.
- Called on August 1, 2018 and left a voicemail.
- Emailed November 19, 2018, regarding the case being set for a pre-noticed default
- Emailed November 29, 2018, to follow up on a call from the candidate
- Emailed January 2, 2019
- Emailed January 3, 2019 and followed up with a phone call
- Emailed January 24, 2019

### **VIOLATIONS**

Song committed two violations of the Act, as follows:

#### COUNT 1

#### **Failure to Timely File a Semiannual Statement by January 31, 2017**

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

## COUNT 2

### **Failure to Timely File a Semiannual Statement by July 31, 2017**

The Committee and Song had a duty to file a semiannual campaign statement for the period of January 1, 2017 through June 30, 2017 by July 31, 2017. By failing to timely file this statement, the Committee and Song violated Government Code Section 84200.

### **CONCLUSION**

This matter consists of two counts of violating the Act, which carries a maximum administrative penalty of \$10,000.<sup>23</sup>

In determining the appropriate penalty for a particular violation of the Act, the Commission considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective amendments voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior record of violations.<sup>24</sup> The failure to comply with these obligations denied the public information about the activity of the Committee and the disposition of its cash balance. Song has failed to file the missing statements, despite repeated outreach attempts. As a member of the Santa Clara County Board of Education since 2001, Song should know her filing obligations under the Act. Moreover, Song has a history of violating the Act, and has previously been made aware of her duty to file campaign statements.

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

- *In the Matter of Committee to Elect Marina Fraser, Marina Fraser, and Jackie M. Buckley*, FPPC No. 16/140. (Commission approved a default decision on April 20, 2017.) The committee, Fraser, and Buckley failed to timely file eight semiannual statements and pay three annual fees, despite being contacted over twenty times regarding their delinquent fees and disclosures. The candidate was first elected to the Half Moon Bay City Council in 2003 and stepped down in 2016. During the period of the

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

<sup>24</sup> Regulation 18361.5, subdivision (d).

missing forms and fees, Fraser had already served on the City Council for almost ten years and was still on the council. The Commission imposed a penalty of \$4,000 for each semiannual form and \$3,000 for each annual fee.

This case is similar to the present matter as Song is well aware of her obligation to file, is in office, but has failed to file despite multiple requests for compliance from both the filing officer and the Enforcement Division. In addition, she has a prior history of noncompliance and has paid a fine in a prior case, FPPC No. 15/1037.

#### **PROPOSED PENALTY**

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, penalties of \$4,000 each for Counts 1-2, for a total penalty of \$8,000.



**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 an Associate Governmental Program Analyst by the California Fair Political Practices Commission (Commission). My business address is: California Fair Political Practices Commission, 1102 Q St, Ste 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. 17/107; Friends of Anna Song*, and have caused copies to be made of documents contained therein. I certify that the copies attached hereto are true and correct copies of the documents prepared in the normal course of business and which are contained in files maintained by the Commission. The attached documents are as follows:

EXHIBIT A-1: Report in Support of a Finding of Probable Cause, dated January 25, 2018

EXHIBIT A-2: Proof of Service on February 25, 2018 for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, executed February 25, 2018 by process server

EXHIBIT A-3: Cover letter to the Respondent regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated January 25, 2018

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated March 20, 2018

EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated March 23, 2018, and Proof of Service, dated March 23, 2018

- EXHIBIT A-6: Accusation, dated July 3, 2018
- EXHIBIT A-7: Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated July 3, 2018
- EXHIBIT A-8: Proof of Service on July 8, 2018 for Accusation and accompanying documents, executed by process server on July 11, 2018
- EXHIBIT A-9: Letters from filing officer, County of Santa Clara Registrar of Voters Anna Song, dated February 2, 2017; February 2, 2018; and August 2, 2018. Emails from filing officer dated February 1, 2018; and August 2, 2018
- EXHIBIT A-10: Friends of Anna Song for County Board of Education 2012 Semi-Annual Statements (Form 460) for January 1, 2015 through June 30, 2015; July 1, 2015 through December 31, 2015; and January 1, 2016 through June 30, 2016
- EXHIBIT A-11: Notice of Intent to Enter into Default Decision and Order, dated February 8, 2019

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 8, 2019, at Sacramento, California.



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Dominika Wojenska  
Associate Governmental Program Analyst, Enforcement  
Division  
Fair Political Practices Commission

**EXHIBIT A-1**

1 GALENA WEST  
Chief of Enforcement  
2 THERESA GILBERTSON  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
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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. 17/107

12 )  
13 ) **FRIENDS OF ANNA SONG FOR**  
**COUNTY BOARD OF EDUCATION**  
14 ) **2016 AND ANNA SONG**

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

) Conference Date: TBA

) Conference Time: TBA

) Conference Location: Commission Offices  
1102 Q Street, Suite 3000  
Sacramento, CA 95811

16 Respondents.  
17 )

18 **INTRODUCTION**

19 Respondent Anna Song (“Song”) was a successful candidate for the Santa Clara County Board of  
20 Education in the November 7, 2000 General Election and was reelected in 2004, 2008, 2012, and 2016.  
21 Her current term expires in 2020. Respondent Friends of Anna Song for County Board of Education 2016  
22 (“Committee”) is her candidate-controlled committee. Song serves as the Committee’s treasurer. The  
23 Political Reform Act (“Act”)<sup>1</sup> requires controlled committees to file two semi-annual campaign  
24 statements each year. The Act also requires open committees to pay to the Secretary of State (“SOS”) a

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26 <sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014, and all statutory  
27 references are to this code. The regulations of the Fair Political Practice Commission are contained in Sections 18110 through  
28 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

1 \$50 annual fee each year until the committee is terminated. The Committee and Song violated the Act by  
2 failing to timely file two semi-annual campaign statements for the reporting periods ending on December  
3 31, 2016, and June 30, 2017. The Committee and Song also violated the Act by failing to timely pay the  
4 \$50 annual fee and \$150 penalty for 2017.

## 5 SUMMARY OF THE LAW

### 6 Jurisdiction

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

### 9 Probable Cause Proceedings

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

### 15 Standard for Finding Probable Cause

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

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

20 When enacting the Political Reform Act, the people of the state of California found and declared  
21 previous laws regulating political practices suffered from inadequate enforcement by state and local  
22 authorities.<sup>7</sup> To that end, the Act must be liberally construed to achieve its purposes.<sup>8</sup> A central purpose

23 <sup>2</sup> Section 83116.

24 <sup>3</sup> Section 83115.5 and Regulations 18361 and 18361.4.

25 <sup>4</sup> Section 11500, et seq.

26 <sup>5</sup> Section 83116 and Regulation 18361.4, subd. (e).

27 <sup>6</sup> Section 18361.4, subd. (e).

28 <sup>7</sup> Section 81001, subd. (h).

<sup>8</sup> Section 81003.



1 of the Act is to ensure voters are fully informed and improper practices are inhibited by requiring  
2 committees to disclose all contributions and expenditures made throughout a campaign.<sup>9</sup> Another is to  
3 provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>10</sup>

#### 4 Semi-Annual Campaign Statements

5 A controlled committee must file two semi-annual campaign statements each year no later than  
6 July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.<sup>11</sup>  
7 Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a  
8 statement shall be extended to the next regular business day.<sup>12</sup>

#### 9 Annual Fee

10 Each committee required to file a statement of organization must pay the SOS a \$50 annual fee  
11 by January 15 each year until the committee is terminated.<sup>13</sup> A committee that fails to timely pay the \$50  
12 annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is required  
13 to enforce this provision of the Act.<sup>14</sup>

#### 14 Candidate and Treasurer Liability

15 Under the Act, it is the duty of the candidate and the treasurer of a controlled committee to ensure  
16 that the committee complies with all the requirements of the Act concerning the receipt, expenditure, and  
17 reporting of funds.<sup>15</sup> The candidate and treasurer may be held jointly and severally liable, along with the  
18 committee, for violations committed by the committee.<sup>16</sup>

### 19 **SUMMARY OF THE EVIDENCE**

20 The Committee reported to the SOS on its Statement of Organization that it qualified as a  
21 candidate-controlled committee on or about October 30, 2000. Song was a successful candidate for the  
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23 <sup>9</sup> Section 81002, subd. (a).

24 <sup>10</sup> Section 81002, subd. (f).

25 <sup>11</sup> Section 84200, subd. (a).

26 <sup>12</sup> Regulation 18116, subd. (a).

27 <sup>13</sup> Section 84101.5, subd. (a) and (c).

28 <sup>14</sup> Section 84101.5, subd. (d).

<sup>15</sup> Sections 81004, 84100, 84213, and Regulation 18427.

<sup>16</sup> Sections 83116.5 and 91006.

1 Santa Clara County Board of Education in the November 7, 2000 General Election and was reelected in  
2 2004, 2008, 2012, and 2016. Her current term expires in 2020.

3 On August 11, 2016, the Committee filed a semi-annual campaign statement for the reporting  
4 period of January 1, 2016 through June 30, 2016, and reported an ending cash balance of \$5,142.99. The  
5 Committee was not required to file pre-election campaign statements because Song ran unopposed for  
6 reelection in 2016 and was not listed on the November ballot. Since the Committee remained open after  
7 the election, the Committee and Song were required to continue to file semi-annual campaign statements  
8 and to pay the \$50 annual fee to the SOS by the January 15, 2017 deadline.

9 On February 2, 2017, and August 2, 2017, the Santa Clara County Registrar of Voters ("ROV")  
10 notified the Committee and Song in writing that they had failed to file the semi-annual campaign  
11 statements for the reporting periods ending on December 31, 2016, and June 30, 2017. After the  
12 Committee did not file the required statements, the ROV referred the matter to the Enforcement Division.  
13 On February 24, 2017, and May 4, 2017, the Enforcement Division sent the Committee and Song two  
14 letters requesting that the Committee file its outstanding statements. The Enforcement Division also  
15 contacted the Committee and Song at least five times between March and December 2017 via email and  
16 phone.

17 As of January 9, 2018, the Committee and Song have failed to timely file two semi-annual  
18 campaign statements for the reporting periods ending on December 31, 2016, and June 30, 2017, and  
19 have failed to timely pay the \$50 annual fee and \$150 penalty for 2017.

## 20 VIOLATIONS

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

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

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

25 The Committee and Song failed to timely file the semi-annual campaign statement due July 31,  
26 2017, in violation of Section 84200.

1 Count 3: Failure to Timely Pay the 2017 Annual Fee

2 The Committee and Song failed to timely pay the 2017 annual fee by the January 15, 2017 due  
3 date, and failed to pay the resulting \$150 late penalty, in violation of Section 84101.5, subdivisions (c)  
4 and (d).

5 **EXCULPATORY OR MITIGATING INFORMATION**

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

7 **OTHER RELEVANT MATERIAL**

8 Song has been in office since 2000, and her current term expires in 2020. Previously, the  
9 Committee and Song were referred to the Enforcement Division for failure to timely pay the \$50 annual  
10 fee and \$150 penalty for 2013 and 2014. After being contacted by the Enforcement Division, the  
11 Committee paid the \$50 annual fee and \$150 penalty for 2013 through 2016 along with a penalty in the  
12 amount of \$200 approved by the Commission on January 19, 2017.

13 **CONCLUSION**

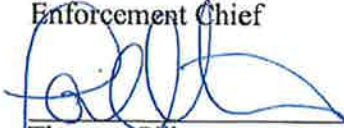
14 Probable cause exists to believe that the Committee and Song violated the Act as described above.  
15 The Enforcement Division respectfully requests an order finding probable cause pursuant to Section  
16 83115.5 and Regulation 18361.4.

17  
18 Dated: 1/25/18

19  
20 Respectfully Submitted,

21 **FAIR POLITICAL PRACTICES COMMISSION**

22 Galena West  
23 Enforcement Chief

24   
25 By: Theresa Gilbertson  
26 Commission Counsel  
27 Enforcement Division

**EXHIBIT A-2**

GALENA WEST, CHIEF OF ENFORCEMENT FAIR POLITICAL PRACTICES COMMISSION 1102 Q ST. SUITE 3000 SACRAMENTO, CA 95811 ATTORNEY FOR: PLAINTIFF		(916) 322-8246 FOR COURT USE ONLY
FAIR POLITICAL PRACTICES COMMISSION THE STATE OF CALIFORNIA		
IN THE MATTER : FRIENDS OF ANNA SONG FOR COUNTY BOARD OF EDUCATION 2016 AND ANNA SONG, FPPC CASE NO. 17/107		
REFERENCE NO.: <b>218481228</b>		
<b>PROOF OF SERVICE</b>		CASE NUMBER: <b>17/107</b>

At the time of service I was at least eighteen years of age and not a party to this action, and I served copies of the:  
 LETTER DATED JANUARY 25, 2018; REPORT IN SUPPORT OF A FINDING OF PROBABLE CAUSE

in the within action by personally delivering true copies thereof to the person served as follows:

Served : ANNA SONG O/B/O FRIENDS OF ANNA SONG FOR COUNTY BOARD OF EDUCATION 2016  
 By serving : ANNA SONG  
 Address : 3568 AGATE DRIVE, APARTMENT 16  
           : SANTA CLARA, CA 95051  
 Date of Service : FEBRUARY 25, 2018  
 Time of Service : 6:45 AM



31 N. SECOND STREET  
 SUITE 200  
 SAN JOSE, CA 95113  
 (408) 291-5000

Registered in Santa Clara County  
 Registered California Process Server No. 1542

The fee for service was:  
 Person serving: JASON KENDLE  
 I am a registered California process server.  
 Registration No.: 1537  
 County: SANTA CLARA

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

Date: FEBRUARY 25, 2018

Signature:

JASON KENDLE



31 N. SECOND STREET  
SUITE 200  
SAN JOSE, CA 95113

(408) 291-5000  
E.I.N. 61-1763001

**SERVICE REPORT/INVOICE**

PLEASE REMIT WITH INVOICE NUMBER.  
PAYMENT DUE UPON RECEIPT  
Invoice Date: 2/25/18

Inv #: 481228  
SP#:   
Client Code: FP01

Case No.: 17/107  
Court : FAIR POLITICAL PRACTICES COMMISSION,  
STATE OF CALIFORNIA  
IN THE FRIENDS OF ANNA SONG FOR COUNTY BOARD OF  
EDUCATION 2016 AND ANNA SONG, FPCC CASE NO. 17/107

FAIR POLITICAL PRACTICES COMMISSION  
1102 Q ST. SUITE 3000  
SACRAMENTO, CA 95811  
Attn: ROONE PETERSEN  
Atty: GALENA WEST, CHIEF OF ENFORCEMENT

Ref. No.: FRIENDS OF ANNA SONG FOR COUNTY

DOCUMENT(S): LETTER DATED JANUARY 25, 2018; REPORT IN SUPPORT OF A FINDING OF PROBABLE CAUSE

REPORT: ; SERVICE ON: ANNA SONG O/B/O FRIENDS OF SANNA SONG FOR COUNTY BOARD OF EDUCATION 2016, (H): 3568 AGATE DRIVE, APARTMENT 16, SANTA CLARA, CA 95051 \*\* 02/12/2018 @ 3:07PM (H) - NO ANSWER. NO MOVEMENT. SHADES SHUT. APARTMENT 16 PARKING SPACE EMPTY. ; 02/14/2018 @ 11:23AM (H) - NO ANSWER. NO MOVEMENT. SHADES SHUT. APARTMENT 16 PARKING SPACE EMPTY. ; 02/15/2018 @ 9:24AM (H) - NO ANSWER. NO DOORBELL. NO ACTIVITY. BLINDS CLOSED. SUBURU IMPREZA, LICENSE PLATE #7SOC227) IN SPOT #16. ; 02/19/2018 @ 12:24PM (H) - NO ANSWER. SHADES CLOSED. NO VEHICLE IN ASSIGNED PARKING SPOT. ; 02/20/2018 @ 6:06PM (H) - NO ANSWER. SHADES CLOSED. NO VEHICLE IN ASSIGNED PARKING SPOT. NO ACTIVITY; 02/24/2018 @ 6:50 AM (H) - THERE WAS NO ANSWER AT THE DOOR. THE SERVER COULD HEAR SOMEONE INSIDE. ATTEMPTED BY JASON KENDLE.; 02/25/2018 @ 6:45 AM (H) - THE DOCUMENTS WERE SERVED. SERVED BY JASON KENDLE. - COMPLETED AT HOME ON: 02/25/2018 @ 6:45 AM; DECLARATION(S) RE SERVICE RETURNED TO CLIENT ON: 02/25/2018

FEES AND COSTS: 2 SPECIAL SERVICE OF PROCESS - SANTA CLARA, CA

140.00

OK TO PAY  
(R)

PAID  
FEB 28 2018  
2:52 PM

DUE AND PAYABLE UPON RECEIPT

Invoice Total: \$140.00

**EXHIBIT A-3**



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3000 • Sacramento, CA 95811  
(916) 322-5660 • Fax (916) 322-0886

January 25, 2018

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Anna Song  
o/b/o Friends of Anna Song for County Board of Education 2016  
3568 Agate Drive  
Santa Clara, CA 95051

**In the Matter of Friends of Anna Song for County Board of Education 2016 and Anna Song,  
FPPC Case No. 17/107**

Dear Ms. Song:

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 attempts to reach you. 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 1102 Q Street, Suite 3000, Sacramento, CA 95811. 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) 323-6421 or [tgilbertson@fppc.ca.gov](mailto:tgilbertson@fppc.ca.gov).*

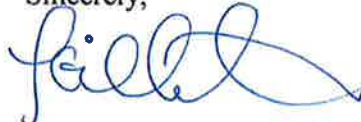


Finally, you have the right to request discovery of the evidence in possession of, and relied upon by, the Enforcement Division. ***This request must also be filed with the Commission Assistant within 21 days from the date of service of this letter.*** Should you request discovery, the Enforcement Division 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,



Theresa Gilbertson  
Commission Counsel

Enclosures

## **PROBABLE CAUSE FACT SHEET**

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### **INTRODUCTION**

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

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

### **THE LAW**

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

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

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

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

### **THE PROCEDURE**

#### **Probable Cause Report**

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

### **Discovery**

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

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

### **Response to Probable Cause Report**

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

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

### **Staff Reply**

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

### **Probable Cause Conference**

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

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

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

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

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

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

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

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

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

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

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

### **Continuances**

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

### **Settlements**

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

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

### **CONCLUSION**

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

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

## CALIFORNIA GOVERNMENT CODE

### Probable Cause Statutes

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

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

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

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

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

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

**Probable Cause Regulations**

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

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

**§ 18361.4. Probable Cause Proceedings**

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

**EXHIBIT A-4**

GALENA WEST  
Chief of Enforcement  
THERESA GILBERTSON  
Commission Counsel  
**FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street, Suite 3000  
Sacramento, CA 95811  
Telephone: (916) 323-6421  
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of ) FPPC No. 17/0107  
)  
) EX PARTE REQUEST FOR A FINDING OF  
FRIENDS OF ANNA SONG FOR ) PROBABLE CAUSE AND AN ORDER THAT  
COUNTY BOARD OF EDUCATION 2016 ) AN ACCUSATION BE PREPARED AND  
AND ANNA SONG, ) SERVED  
)  
) Gov. Code § 83115.5  
Respondents. )

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

Pursuant to Section 83115.5 of the Political Reform Act (the "Act")<sup>1</sup> and Regulation 18361.4, Respondents Friends of Anna Song for County Board of Education 2016 ("Committee") and Anna Song ("Song") were served with a copy of a report in support of a finding of probable cause ("Report") in the above-entitled matter.<sup>2</sup> The Report, attached as "Exhibit A," was part of a packet of materials, including a cover letter and a memorandum describing probable cause proceedings, which was personally served to the Committee and Song on February 25, 2018. A copy of the proof of service is attached as "Exhibit B."

In the cover letter dated January 25, 2018, and the attached materials, the Committee and Song were advised that they could respond in writing to the Report and orally present the case to the Hearing

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

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

1 Officer at a probable cause conference to be held in Sacramento. The Committee and Song were further  
2 advised that in order to have a probable cause conference they needed to make a written request for one  
3 on or before 21 days of the date they received the Report. Additionally, the Committee and Song were  
4 advised that if they did not request a probable cause conference, such a conference would not be held and  
5 probable cause would be determined based solely on the Report and any written response that she  
6 submitted within 21 days of the date they were served with the Report. To date, the Committee and Song  
7 have not submitted a written response or requested a probable cause conference.

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

12  
13 Count 1: Failure to Timely File a Semi-Annual Campaign Statement

14 The Committee and Song failed to timely file the semi-annual campaign statement due January  
15 31, 2017, in violation of Section 84200.

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

17 The Committee and Song failed to timely file the semi-annual campaign statement due July 31,  
18 2017, in violation of Section 84200.

19 Count 3: Failure to Timely Pay the 2017 Annual Fee

20 The Committee and Song failed to timely pay the 2017 annual fee by the January 15, 2017 due  
21 date, and failed to pay the resulting \$150 late penalty, in violation of Section 84101.5, subdivisions (c)  
22 and (d).

1 Additionally, after finding probable cause exists, the Enforcement Division requests an order by  
2 the Hearing Officer that an accusation be prepared against the Committee and Song and served upon  
3 them.<sup>3</sup>

4  
5 A copy of this Request was mailed via U.S. Mail to the Committee and Song on March 20, 2018  
6 at the last known address, as follows:

7 Anna Song  
8 Individually and on behalf of Friends of Anna Song  
9 for County Board of Education 2016  
10 3568 Agate Drive, Apt 16  
11 Santa Clara, CA 95051

11 Dated: 3/20/2018

Respectfully Submitted,

12  
13  
14 **FAIR POLITICAL PRACTICES COMMISSION**  
15 Galena West  
16 Chief of Enforcement

17 

18 By: Theresa Gilbertson  
19 Commission Counsel  
20 Enforcement Division

21  
22  
23  
24  
25  
26 <sup>3</sup> Gov. Code § 11503.

**EXHIBIT A**

1 GALENA WEST  
Chief of Enforcement  
2 THERESA GILBERTSON  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street, Suite 3000  
4 Sacramento, CA 95811  
Telephone: (916) 323-6421  
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. 17/107  
12 )  
13 ) **REPORT IN SUPPORT OF A FINDING OF**  
14 ) **PROBABLE CAUSE**  
15 )  
16 ) Conference Date: TBA  
17 ) Conference Time: TBA  
18 ) Conference Location: Commission Offices  
19 ) 1102 Q Street, Suite 3000  
20 ) Sacramento, CA 95811  
21 )  
22 ) Respondents. )

23 **INTRODUCTION**

24 Respondent Anna Song (“Song”) was a successful candidate for the Santa Clara County Board of  
25 Education in the November 7, 2000 General Election and was reelected in 2004, 2008, 2012, and 2016.  
26 Her current term expires in 2020. Respondent Friends of Anna Song for County Board of Education 2016  
27 (“Committee”) is her candidate-controlled committee. Song serves as the Committee’s treasurer. The  
28 Political Reform Act (“Act”)<sup>1</sup> requires controlled committees to file two semi-annual campaign  
statements each year. The Act also requires open committees to pay to the Secretary of State (“SOS”) a

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

1 \$50 annual fee each year until the committee is terminated. The Committee and Song violated the Act by  
2 failing to timely file two semi-annual campaign statements for the reporting periods ending on December  
3 31, 2016, and June 30, 2017. The Committee and Song also violated the Act by failing to timely pay the  
4 \$50 annual fee and \$150 penalty for 2017.

## 5 SUMMARY OF THE LAW

### 6 Jurisdiction

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

### 9 Probable Cause Proceedings

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

### 15 Standard for Finding Probable Cause

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

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

20 When enacting the Political Reform Act, the people of the state of California found and declared  
21 previous laws regulating political practices suffered from inadequate enforcement by state and local  
22 authorities.<sup>7</sup> To that end, the Act must be liberally construed to achieve its purposes.<sup>8</sup> A central purpose

23 <sup>2</sup> Section 83116.

24 <sup>3</sup> Section 83115.5 and Regulations 18361 and 18361.4.

25 <sup>4</sup> Section 11500, et seq.

26 <sup>5</sup> Section 83116 and Regulation 18361.4, subd. (e).

27 <sup>6</sup> Section 18361.4, subd. (e).

28 <sup>7</sup> Section 81001, subd. (h).

<sup>8</sup> Section 81003.



1 of the Act is to ensure voters are fully informed and improper practices are inhibited by requiring  
2 committees to disclose all contributions and expenditures made throughout a campaign.<sup>9</sup> Another is to  
3 provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>10</sup>

#### 4 Semi-Annual Campaign Statements

5 A controlled committee must file two semi-annual campaign statements each year no later than  
6 July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.<sup>11</sup>  
7 Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a  
8 statement shall be extended to the next regular business day.<sup>12</sup>

#### 9 Annual Fee

10 Each committee required to file a statement of organization must pay the SOS a \$50 annual fee  
11 by January 15 each year until the committee is terminated.<sup>13</sup> A committee that fails to timely pay the \$50  
12 annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is required  
13 to enforce this provision of the Act.<sup>14</sup>

#### 14 Candidate and Treasurer Liability

15 Under the Act, it is the duty of the candidate and the treasurer of a controlled committee to ensure  
16 that the committee complies with all the requirements of the Act concerning the receipt, expenditure, and  
17 reporting of funds.<sup>15</sup> The candidate and treasurer may be held jointly and severally liable, along with the  
18 committee, for violations committed by the committee.<sup>16</sup>

### 19 **SUMMARY OF THE EVIDENCE**

20 The Committee reported to the SOS on its Statement of Organization that it qualified as a  
21 candidate-controlled committee on or about October 30, 2000. Song was a successful candidate for the  
22

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

24 <sup>10</sup> Section 81002, subd. (f).

25 <sup>11</sup> Section 84200, subd. (a).

26 <sup>12</sup> Regulation 18116, subd. (a).

27 <sup>13</sup> Section 84101.5, subd. (a) and (c).

28 <sup>14</sup> Section 84101.5, subd. (d).

<sup>15</sup> Sections 81004, 84100, 84213, and Regulation 18427.

<sup>16</sup> Sections 83116.5 and 91006.

1 Santa Clara County Board of Education in the November 7, 2000 General Election and was reelected in  
2 2004, 2008, 2012, and 2016. Her current term expires in 2020.

3 On August 11, 2016, the Committee filed a semi-annual campaign statement for the reporting  
4 period of January 1, 2016 through June 30, 2016, and reported an ending cash balance of \$5,142.99. The  
5 Committee was not required to file pre-election campaign statements because Song ran unopposed for  
6 reelection in 2016 and was not listed on the November ballot. Since the Committee remained open after  
7 the election, the Committee and Song were required to continue to file semi-annual campaign statements  
8 and to pay the \$50 annual fee to the SOS by the January 15, 2017 deadline.

9 On February 2, 2017, and August 2, 2017, the Santa Clara County Registrar of Voters ("ROV")  
10 notified the Committee and Song in writing that they had failed to file the semi-annual campaign  
11 statements for the reporting periods ending on December 31, 2016, and June 30, 2017. After the  
12 Committee did not file the required statements, the ROV referred the matter to the Enforcement Division.  
13 On February 24, 2017, and May 4, 2017, the Enforcement Division sent the Committee and Song two  
14 letters requesting that the Committee file its outstanding statements. The Enforcement Division also  
15 contacted the Committee and Song at least five times between March and December 2017 via email and  
16 phone.

17 As of January 9, 2018, the Committee and Song have failed to timely file two semi-annual  
18 campaign statements for the reporting periods ending on December 31, 2016, and June 30, 2017, and  
19 have failed to timely pay the \$50 annual fee and \$150 penalty for 2017.

## 20 VIOLATIONS

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

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

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

25 The Committee and Song failed to timely file the semi-annual campaign statement due July 31,  
26 2017, in violation of Section 84200.

1 Count 3: Failure to Timely Pay the 2017 Annual Fee

2 The Committee and Song failed to timely pay the 2017 annual fee by the January 15, 2017 due  
3 date, and failed to pay the resulting \$150 late penalty, in violation of Section 84101.5, subdivisions (c)  
4 and (d).

5 **EXCULPATORY OR MITIGATING INFORMATION**

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

7 **OTHER RELEVANT MATERIAL**

8 Song has been in office since 2000, and her current term expires in 2020. Previously, the  
9 Committee and Song were referred to the Enforcement Division for failure to timely pay the \$50 annual  
10 fee and \$150 penalty for 2013 and 2014. After being contacted by the Enforcement Division, the  
11 Committee paid the \$50 annual fee and \$150 penalty for 2013 through 2016 along with a penalty in the  
12 amount of \$200 approved by the Commission on January 19, 2017.

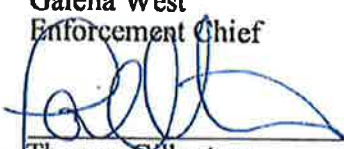
13 **CONCLUSION**

14 Probable cause exists to believe that the Committee and Song violated the Act as described above.  
15 The Enforcement Division respectfully requests an order finding probable cause pursuant to Section  
16 83115.5 and Regulation 18361.4.

17  
18 Dated: 1/25/18

19  
20 Respectfully Submitted,

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

24   
25 By: Theresa Gilbertson  
26 Commission Counsel  
27 Enforcement Division

**EXHIBIT B**

GALENA WEST, CHIEF OF ENFORCEMENT FAIR POLITICAL PRACTICES COMMISSION 1102 Q ST. SUITE 3000 SACRAMENTO, CA 95811 ATTORNEY FOR: PLAINTIFF		(916) 322-8246	FOR COURT USE ONLY
FAIR POLITICAL PRACTICES COMMISSION THE STATE OF CALIFORNIA			
IN THE MATTER : FRIENDS OF ANNA SONG FOR COUNTY BOARD OF EDUCATION 2016 AND ANNA SONG, FPPC CASE NO. 17/107			
REFERENCE NO: 218481228	<b>PROOF OF SERVICE</b>		CASE NUMBER: 17/107

At the time of service I was at least eighteen years of age and not a party to this action, and I served copies of the:  
LETTER DATED JANUARY 25, 2018; REPORT IN SUPPORT OF A FINDING OF PROBABLE CAUSE

in the within action by personally delivering true copies thereof to the person served as follows:

Served : ANNA SONG O/B/O FRIENDS OF SANNA SONG FOR COUNTY BOARD OF EDUCATION 2016  
 By serving : ANNA SONG  
 Address : 3568 AGATE DRIVE, APARTMENT 16  
 SANTA CLARA, CA 95051  
 Date of Service : FEBRUARY 25, 2018  
 Time of Service : 6:45 AM



31 N. SECOND STREET  
SUITE 200  
SAN JOSE, CA 95113

(408) 291-5000

Registered in Santa Clara County  
Registered California Process Server No. 1542

The fee for service was:

Person serving: JASON KENDLE

I am a registered California process server.

Registration No.: 1537

County: SANTA CLARA

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

Date: FEBRUARY 25, 2018

Signature:

JASON KENDLE

**EXHIBIT A-5**

**FPPC No. 17/0107, In the matter of Friends of Anna Song for County Board of Education 2016 and Anna Song**

**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, CA 95811. 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.

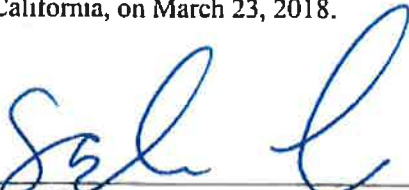
**SERVICE LIST**

Anna Song  
Individually and on behalf of Friends of  
Anna Song for county Board of Education  
3568 Agate Drive, Apt 16  
Santa Clara, CA 95051

**(By Personal Service) On Friday, March 23, 2018, at approximately 12:00 p.m., I personally served:**

Theresa Gilbertson, Commission Counsel, at 1102 Q Street, Suite 3000, Sacramento, CA 95811.

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 March 23, 2018.

  
\_\_\_\_\_  
Sasha Linker

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3  
4 In the Matter of ) FPPC No. 17/0107  
5 FRIENDS OF ANNA SONG FOR )  
6 COUNTY BOARD OF EDUCATION 2016 ) FINDING OF PROBABLE CAUSE AND  
AND ANNA SONG, ) ORDER TO PREPARE AND SERVE AN  
7 Respondent. ) ACCUSATION  
8 ) Gov. Code § 83115.5  
9 )

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 March 30, 2018, 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 Friends of Anna Song for County Board of Education 2016 (“Committee”) and  
16 Anna Song (“Song”) on February 25, 2018 by means of personal service. Accompanying the PC Report  
17 was a packet of materials that informed the Respondents of their right to file a written response to the PC  
18 Report and to request a probable cause conference within 21 days following service of the PC Report.  
19 During the 21 days that followed service of the PC Report, Respondents did not file a response to the PC  
20 Report or request a probable cause conference. Pursuant to California Code of Regulations title 2, section  
21 18361.4, determination of probable cause may be made solely on papers submitted when the respondent  
22 does not request a probable cause conference.<sup>1</sup>

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

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



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

4 The PC Report served on Respondents Committee and Song and the subsequent Ex Parte Request  
5 in this matter alleges three violations of the Political Reform Act were committed, as follows:

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

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

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

10 The Committee and Song failed to timely file the semi-annual campaign statement due July 31,  
11 2017, in violation of Section 84200.

12 Count 3: Failure to Timely Pay the 2017 Annual Fee


13 The Committee and Song failed to timely pay the 2017 annual fee by the January 15, 2017 due  
14 date, and failed to pay the resulting \$150 late penalty, in violation of Section 84101.5, subdivisions (c)  
15 and (d).

16  
17 Based on the Ex Parte Request given to me, I find that notice has been given to the Committee and  
18 Song.<sup>3</sup> I further find, based on the PC Report and the Ex Parte Request, that there is probable cause to  
19 believe that the Committee and Song violated the Political Reform Act as alleged in Counts 1-3, as  
20 identified above.

21 I therefore direct that the Enforcement Division issue an accusation against the Committee and  
22 Song in accordance with this finding.

23 IT IS SO ORDERED.

24 Dated: 3-23-18

  
25 Jack Woodside, Hearing Officer  
26 Fair Political Practices Commission

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

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

**EXHIBIT A-6**

1 GALENA WEST  
Chief of Enforcement  
2 THERESA GILBERTSON  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q St, Suite 3000  
4 Sacramento, CA 95811  
Telephone: (916) 323-6421  
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

7

8

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9

STATE OF CALIFORNIA

10

11 In the Matter of

) FPPC No. 17/107

12

13 FRIENDS OF ANNA SONG FOR  
COUNTY BOARD OF EDUCATION  
14 2016 and ANNA SONG,

) **ACCUSATION**

15

) (Gov. Code §11503)

16

Respondents.

)

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.

28



1 year for the reporting period ending December 31.<sup>5</sup> When a filing deadline falls on a Saturday, Sunday,  
2 or official state holiday, the filing deadline is extended to the next business day.<sup>6</sup>

3 **B. Annual Fee**

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

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

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

18  
19 **GENERAL FACTS**

20 12. The Committee filed a Statement of Organization with the Secretary of State on or around  
21 December 19, 2001. Song was first elected to the Santa Clara County Board of Education in the November  
22 7, 2000 General Election. She was reelected in 2004, 2008, 2012, and 2016. Her current term expires in  
23 2020.

24  
25  
26 <sup>5</sup> Section 84200, subd. (a).  
27 <sup>6</sup> Regulation 18116.  
28 <sup>7</sup> Section 84101.5, subd. (c).  
<sup>8</sup> Section 84101.5, subd. (d).  
<sup>9</sup> Id.  
<sup>10</sup> Reg. 18361.5, subd. (d).

1 13. The Committee filed a semiannual campaign statement for the period of January 1, 2016  
2 through June 30, 2016 on August 11, 2016, and reported an ending cash balance of \$5,142.99.

3 14. Song ran unopposed for reelection in 2016 and was not listed on the November ballot. But  
4 since the Committee remained opened, the Committee was required to file regular semiannual campaign  
5 statements.

6 15. As of June 6, 2018, the Committee has not filed any campaign statements since the  
7 statement filed on August 11, 2016.

8 16. In addition, the Committee failed to pay an annual \$50 fee to the Secretary of State for the  
9 year 2017 by the deadline, as well as the associated late penalty. As of June 6, 2018, the annual fee and  
10 penalty remain outstanding.

#### 11 PROCEDURAL HISTORY

12  
13 17. On February 2, 2017 and August 2, 2017, the Santa Clara County Registrar of Voters  
14 (“ROV”) notified the Committee and Song in writing that they had failed to file the semiannual  
15 campaign statements for the reporting periods ending on December 31, 2016 and June 30, 2017. After  
16 the Committee did not file the required statements, the ROV referred the matter to the Enforcement  
17 Division.

18 18. The Enforcement Division attempted to contact the Committee and Song by U.S. mail  
19 on February 24, 2017 and May 4, 2017. The Enforcement Division also attempted to contact the  
20 Committee and Song by email and phone on March 27, 2017, May 4, 2017, November 7, 2017,  
21 November 16, 2017, and December 7, 2017. The Committee and Song failed to respond to the  
22 Enforcement Division.

23 19. The Enforcement Division initiated an administrative action against the Committee and  
24 Song in this matter by serving a packet containing a cover letter, a Report in Support of a Finding of  
25 Probable Cause (“PC Report”), a fact sheet regarding probable cause proceedings, selected sections of the  
26 Government Code regarding probable cause proceedings for the Commission, and selected regulations of  
27 the Commission regarding probable cause proceedings.

1 20. The Committee and Song were served with the PC Report via personal service on or about  
2 February 25, 2018, as indicated on the proof of service. The information contained in the PC Report packet  
3 advised the Committee and Song that they had 21 days in which to request a probable cause conference  
4 and/or to file a written response to the PC Report. As of the date of this Accusation, the Committee and  
5 Song have not responded to the PC Report.

6 21. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an  
7 Accusation Be Prepared and Served (“Ex Parte Request”), dated March 20, 2018, the Enforcement  
8 Division submitted the matter to the Hearing Officer for a determination of probable cause.

9 22. On or about March 23, 2018, the Hearing Officer issued an order finding, based on the Ex  
10 Parte Request and the PC Report, that there was probable cause to believe the Committee and Song  
11 violated the Act and directed the Enforcement Division to issue an accusation against the Committee and  
12 Song in accordance with the finding.

13 23. Song contacted the Enforcement Division on April 4, 2018 and indicated she would fulfill  
14 her filing obligation. The Enforcement Division again attempted contact by email on April 24, 2018 but  
15 received no response.

16 24. As of June 6, 2018, the Committee and Song have failed to file the outstanding campaign  
17 statements, pay the annual fee, and have not terminated the Committee.

18  
19 **VIOLATIONS**

20 25. The Committee and Song committed 3 violations of the Act as follows:

21 **Count 1**

22 **Failure to Timely File a Semiannual Statement**

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

25 27. As an active Committee and its candidate, the Committee and Song had a duty to file a  
26 semiannual statement for the period of July 1, 2016 through December 31, 2016 by the deadline of January  
27 31, 2017.

28

1 28. The Committee and Song failed to timely file the semiannual statement for the period of  
2 July 1, 2016 through December 31, 2016 by the deadline.

3 29. By failing to timely file the semiannual statement by January 31, 2017, the Committee and  
4 Song violated Section 84200.

5 **Count 2**

6 **Failure to Timely File a Semiannual Statement**

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

9 31. As an active Committee and its candidate, the Committee and Song had a duty to file a  
10 semiannual statement for the period of January 1, 2017 through June 30, 2017 by July 31, 2017.

11 32. The Committee and Song failed to timely file the semiannual statement for the period of  
12 January 1, 2017 through June 30, 2017 by the deadline.

13 33. By failing to timely file the semiannual statement by July 31, 2017, the Committee and  
14 Song violated Section 84200.

15 **Count 3**

16 **Failure to Timely Pay the Annual Fee**

17 34. Complainant incorporates paragraphs 1 – 33 of this Accusation, as though completely set  
18 forth here.

19 35. As an active Committee and its candidate, the Committee and Song had a duty to pay an  
20 annual fee for 2017 to the Secretary of State.

21 36. The Committee and Song failed to pay the annual fee by the due date and failed to pay the  
22 resulting late payment penalty of \$150 levied by the Secretary of State.

23 37. By failing to timely pay the annual fee and resulting penalty, the Committee and Song  
24 violated Section 84101.5, subdivisions (c) and (d).

25  
26 **MITIGATING OR EXCULPATORY FACTORS**

27 38. The Enforcement Division is not aware of any mitigating or exculpatory factors.  
28





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

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

Dated: 3 July 18

Galena West  
Galena West  
Chief of Enforcement  
Fair Political Practices Commission

**EXHIBIT A-7**

**STATEMENT TO RESPONDENT**

[Government Code Section 11505, subdivision (b)]

***ANNA SONG FOR COUNTY BOARD OF EDUCATION 2016 and ANNA SONG  
FPPC Case No. 17/107***

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 Theresa Gilbertson, Commission Counsel, at (916) 323-6421 or [tgilbertson@fppc.ca.gov](mailto:tgilbertson@fppc.ca.gov), Enforcement Division.

The hearing may be postponed for good cause. If you have good cause, you are obliged to notify the FPPC or, if an administrative law judge has been assigned to the hearing, the Office of Administrative Hearings, within 10 working days after you discover the good cause. Failure to give notice within 10 days will deprive you of a postponement.

After a hearing, the FPPC will consider the following factors in determining whether to assess a penalty (Title 2, California Code of Regulations, Section 18361.5, subdivision (d).):

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



*Before the Fair Political Practices Commission*

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**State of California**

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
	)	
FRIENDS OF ANNA SONG FOR	)	FPPC Case No. 17/107
COUNTY BOARD OF EDUCATION	)	
2016 and ANNA SONG,	)	
	)	
Respondents.	)	
	)	

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

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

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

**GROUND FOR NOTICE OF DEFENSE**

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

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

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

\_\_\_\_\_  
Respondent

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

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

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



**Before the Fair Political Practices Commission**

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**State of California**

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
	)	
FRIENDS OF ANNA SONG FOR	)	FPPC Case No. 17/107
COUNTY BOARD OF EDUCATION	)	
2016 and ANNA SONG,	)	
	)	
	)	
Respondents.	)	
	)	

---

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

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

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

**GROUNDS FOR NOTICE OF DEFENSE**

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

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

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

\_\_\_\_\_  
Respondent

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

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

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



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

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**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 July 3, 2018, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 17/107: 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 10:58 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


Sasha Linker, Commission Assistant  
Fair Political Practices Commission  
1102 Q Street, Suite 3000

Sacramento, California 95811

Personal Service

Anna Song  
3568 Agate Drive, Apartment 16  
Santa Clara, CA 95051

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 3, 2018.

  
\_\_\_\_\_  
Suzanna Gevorkyan

**EXHIBIT A-8**

ATTORNEY OR PARTY WITHOUT ATTORNEY: Galena West 1102 Q St, Ste 3000 Sacramento, CA 95811  TELEPHONE NO.: (916) 322-5663 ATTORNEY FOR:	<b>FOR COURT USE ONLY</b>
<b>FAIR POLITICAL PRACTICES COMMISSION</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: In the Matter of Friends of Anna Song for County Board of Education 2016 and Anna Song DEFENDANT:	CASE NUMBER: EPPC NO. 17/107
<b>PROOF OF SERVICE</b>	Ref. No. or File No.:

1. I am over 18 years of age and not a party to this action.
2. Received by County Process Service, Inc. on 7/3/2018 at 11:27 am to be served on Anna Song, 3568 Agate Drive, Apt. 16, Santa Clara, CA 95051.
3. I served the following documents **Statement to Respondent; FPPC Case No. 17/107: Accusation; Notice of Defense (Two Copies); Selected Sections of the California Government Code, Administrative Procedure Act; POS of same**  
  
 I personally served the following person at the address, date and time stated: Anna Song, 3568 Agate Drive, Apt. 16, Santa Clara, CA 95051.
4. Date and Time of service: 7/8/2018 at 1:05 pm
5. Description: Age: 50, Sex: F, Race/Skin Color: asian, Height: 5'2", Weight: 140, Hair: black, Glasses: n
6. I am a registered California process server.
7. My name, address, telephone number, and, if applicable, county of registration and number are:  
 Name: Gary Genest  
 Firm: County Process Service, Inc.  
 Address: 31 E. Julian Street, San Jose, CA 95112  
 Telephone number: (408) 297-6070  
 Registration Number: 1560  
 County: Santa Clara  
 The fee for the service was: \$50.00
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 7-11-18

Gary Genest

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



(SIGNATURE OF PERSON WHO SERVED THE PAPERS)



**EXHIBIT A-9**

# County of Santa Clara

## Registrar of Voters

1555 Berger Drive, Bldg. 2  
San Jose, CA 95112  
Mailing Address: P.O. Box 611360, San Jose, CA 95161-1360  
(408) 299-8639 FAX (408) 998-7356  
www.sccvote.org



February 2, 2017

Anna Song  
3533 Golden State Drive  
Santa Clara, CA 95051

**Reference Committee: Friends of Anna Song for County Board of Education 2016,  
ID# 1241672,  
Santa Clara County Board of Education**

Dear Ms. Song:

Your semi-annual campaign disclosure statement has not been filed electronically. It covers the following period and deadline:

10/23/16-12/31/16, due 01/31/17

County of Santa Clara Ordinance Code Section A34-22 states that any person who files an electronic copy of a campaign disclosure statement after the deadline imposed by the California Political Reform Act shall be liable in the same amount and on the same terms as set forth in the Act for late filing of the written copy of the disclosure statement. Government Code Section 91013 of the Political Reform Act imposes a fine of \$10 per day after the filing deadline until the statement is filed. The liability is limited to the cumulative amount of the contributions or expenditures for the period covered by the late statement or \$100, whichever is greater. However, if you file your electronic campaign disclosure statement within 10 days and have a valid reason for filing late, all or part of the fine can be waived.

**Your immediate attention to this matter is required. File your campaign disclosure statement and reason for filing late within 10 days of the date of this letter. The law mandates that the fine cannot be waived if the statement is filed after this time. You will be referred to the District Attorney and the FPPC Enforcement Division if the statement is not filed by February 12, 2017.**

If you have any questions or need assistance, please contact Christina Rivas-Louie at the Candidate Services Division on (408) 282-3045.

Best Regards,

Shui Ling Chu  
Election Division Coordinator  
Candidate Services Division

# County of Santa Clara

## Registrar of Voters

1555 Berger Drive, Bldg. 2  
San Jose, CA 95112  
Mailing Address: P.O. Box 611360, San Jose, CA 95161-1360  
(408) 299-8639 FAX: (408) 998-7356  
www.sccvote.org



February 2, 2018

Ms. Anna Song  
3533 Golden Gate Drive  
Santa Clara, CA 95051

**Reference Committee: Friends of Anna Song for County BOE 2016, ID# 1241672, TA #5**

Dear Ms. Song:

Your semi-annual campaign disclosure statement has not been filed electronically. It covers the following period and deadline:

07/01/17-12/31/17, due 01/31/18

County of Santa Clara Ordinance Code Section A11-11 states that any person who files an electronic copy of a campaign disclosure statement after the deadline imposed by the California Political Reform Act shall be liable in the same amount and on the same terms as set forth in the Act for late filing of the written copy of the disclosure statement.

Government Code Section 91013 of the Political Reform Act imposes a fine of \$10 per day, in addition to any other penalties or remedies imposed by the act, after the filing deadline until the statement is filed. The liability is limited to the cumulative amount of the contributions or expenditures for the period covered by the late statement or \$100, whichever is greater. However, if you file your electronic campaign disclosure statement within 10 days and have a valid reason for filing late, all or part of the fine can be waived under certain circumstances.

**Your immediate attention to this matter is required. File your campaign disclosure statement and reason for filing late within 10 days of the date of this letter. The law mandates that the fine cannot be waived if the statement is filed after this time. In addition, you will be referred to the District Attorney and the FPPC Enforcement Division if the statement is not filed by February 22, 2018.**

If you have any questions or need assistance, please contact Christina Rivas-Louie at 408-282-3045.

Best Regards,

Linda Tulett  
Interim Election Division Coordinator  
Candidate Services Division

# County of Santa Clara

Registrar of Voters

1555 Berger Drive, Bldg. 2  
San Jose, CA 95112  
Mailing Address: P.O. Box 611360, San Jose, CA 95161-1360  
(408) 299-8639 FAX: (408) 998-7356  
www.sccvote.org



August 2, 2018

Ms. Anna Song  
3533 Golden Gate Drive  
Santa Clara, CA 95051

**Reference Committee: Friends of Anna Song for County BOE 2016, ID# 1241672, TA #5**

Dear Ms. Song:

Your semi-annual campaign disclosure statement has not been filed electronically. It covers the following period and deadline:

01/01/18-06/30/18, due 07/31/18

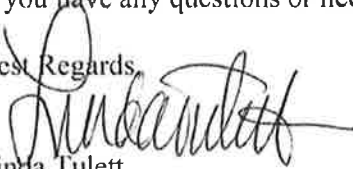
County of Santa Clara Ordinance Code Section A11-11 states that any person who files an electronic copy of a campaign disclosure statement after the deadline imposed by the California Political Reform Act shall be liable in the same amount and on the same terms as set forth in the Act for late filing of the written copy of the disclosure statement.

Government Code Section 91013 of the Political Reform Act imposes a fine of \$10 per day, in addition to any other penalties or remedies imposed by the act, after the filing deadline until the statement is filed. The liability is limited to the cumulative amount of the contributions or expenditures for the period covered by the late statement or \$100, whichever is greater. However, if you file your electronic campaign disclosure statement within 10 days and have a valid reason for filing late, all or part of the fine can be waived under certain circumstances.

**Your immediate attention to this matter is required. File your campaign disclosure statement and reason for filing late within 10 days of the date of this letter. The law mandates that the fine cannot be waived if the statement is filed after this time. In addition, you will be referred to the District Attorney and the FPPC Enforcement Division if the statement is not filed by August 22, 2018.**

If you have any questions or need assistance, please contact Christina Rivas-Louie at 408-282-3045.

Best Regards,

  
Linda Tulett  
Interim Election Division Coordinator  
Candidate Services Division



**From:** [Rivas-Louie, Christina](#)  
**To:** [Rivas-Louie, Christina](#)  
**Bcc:** ["kk2king@comcast.net"](#); ["annasong@aol.com"](#); ["Anthony Phan"](#); ["Swanee Edwards"](#)  
**Subject:** COURTESY NOTICE: FPPC Financial Filing Due 01/31/18  
**Date:** Thursday, February 01, 2018 5:00:17 PM

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Dear Candidates and/or Treasurers,

As a courtesy reminder for open and qualified candidate committees, the semi-annual statement covering the period 07/01/17 through 12/01/17 was due on 01/31/18.

Please file as soon as possible on the Netfile system.

Late filer letters will be issued on February 2, 2018.

Feel free to give me a call for assistance and I'll be happy to help.

Best regards,

*Christina*

Christina Rivas-Louie, M.A.O.M.  
Election Specialist  
Candidate Services  
**Santa Clara County Registrar of Voters**  
**1555 Berger Drive**  
**San Jose CA 95112**  
Phone 408 282-3045  
[Christina.RivasLouie@rov.sccgov.org](mailto:Christina.RivasLouie@rov.sccgov.org)

**From:** [Rivas-Louie, Christina](#)  
**To:** ["annasong@aol.com"](mailto:annasong@aol.com)  
**Subject:** Late Filer Letter: Action Needed  
**Date:** Thursday, August 2, 2018 5:12:25 PM  
**Attachments:** [Anna Song Late Letter PDF 080218.pdf](#)

---

Dear Ms. Song,

Enclosed is the late filer letter for the semi-annual filing that was due 07/31/18.

Thank you,

~Christina

408-282-3045

**EXHIBIT A-10**

# Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

Type or print in ink.

COVER PAGE

Statement covers period from <u>01/01/2015</u> through <u>06/30/2015</u>		Date of election if applicable: (Month, Day, Year) <u>11/06/2012</u>	Date Stamp E-Filed 08/17/2015 17:22:43 Filing ID: 155715992	CALIFORNIA FORM <b>460</b>
SEE INSTRUCTIONS ON REVERSE			Page <u>1</u> of <u>4</u> For Official Use Only	

### 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
- Sponsor
- Small Contributor Committee
- Political Party/Central Committee
- Primarily Formed Ballot Measure Committee
- Controlled *(Also Complete Part 5)*
- Sponsored *(Also Complete Part 6)*
- 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

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)  
Friends of Anna Song for County Board of Education 2012

I.D. NUMBER  
1241672

### Treasurer(s)

NAME OF TREASURER  
Anna Song

MAILING ADDRESS

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE  
Santa Clara CA 95051 (650) 906-7587

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

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS  
anna.song@aol.com

CITY STATE ZIP CODE AREA CODE/PHONE  
Santa Clara CA 95051 (650) 906-7587

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS  
anna.song@aol.com

### 4. Verification

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

Executed on 07/31/2015 Date  
By Anna Song Signature of Controlling Officer/Proprietor or Responsible Officer of Sponsor

Executed on 07/31/2015 Date  
By Anna Song Signature of Controlling Officer/Proprietor or Responsible Officer of Sponsor

Executed on \_\_\_\_\_ Date  
By \_\_\_\_\_ Signature of Controlling Officer/Proprietor or Responsible Officer of Sponsor

Executed on \_\_\_\_\_ Date  
By \_\_\_\_\_ Signature of Controlling Officer/Proprietor or Responsible Officer of Sponsor



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

Type or print in ink.

**5. Officeholder or Candidate Controlled Committee**

NAME OF OFFICEHOLDER OR CANDIDATE  
 Anna Song  
 OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)  
 Board of Education Santa Clara County Board of Education: County of  
 Trustee Area 5 District 5  
 RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP  
 Santa Clara CA 95051

**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.

SUMMARY PAGE

CALIFORNIA  
FORM  
**460**

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

Page 3 of 4

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER  
Friends of Anna Song for County Board of Education 2012

I.D. NUMBER  
1241672

## Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	Schedule A, Line 3 0.00	0.00
2. Loans Received	Schedule B, Line 3 0.00	5,142.99
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2 0.00	5,142.99
4. Nonmonetary Contributions	Schedule C, Line 3 0.00	0.00
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4 0.00	5,142.99

## Expenditures Made

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

## Current Cash Statement

	Previous Summary Page, Line 16	
12. Beginning Cash Balance	5,142.99	
13. Cash Receipts	Column A, Line 3 above 0.00	
14. Miscellaneous Increases to Cash	Schedule I, Line 4 0.00	
15. Cash Payments	Column A, Line 8 above 0.00	
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15 5,142.99	

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

17. LOAN GUARANTEES RECEIVED Schedule B, Part 2 0.00

## Cash Equivalents and Outstanding Debts

18. Cash Equivalents See instructions on reverse 0.00  
19. Outstanding Debts Add Line 2 + Line 9 in Column B above 5,142.99

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

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

## Expenditure Limit Summary for State Candidates

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

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

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).

# Schedule B - Part 1 Loans Received

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

SCHEDULE B - PART 1  
CALIFORNIA  
FORM  
**460**

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

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

Page 4 of 4  
I.D. NUMBER  
1241672

Friends of Anna Song for County Board of Education 2012

FULL NAME, STREET ADDRESS AND ZIP CODE (IF COMMITTEE ALSO ENTER ID NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	OUTSTANDING BALANCE BEGINNING THIS PERIOD	AMOUNT RECEIVED THIS PERIOD	AMOUNT PAID OR FORGIVEN THIS PERIOD *	OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	INTEREST PAID THIS PERIOD	ORIGINAL AMOUNT OF LOAN	CUMULATIVE CONTRIBUTIONS TO DATE
Mr. Patrick Hoglund Santa Clara, CA 95051	Engineer PG & E	\$ 250.00	\$ 0.00	<input type="checkbox"/> PAID \$ 0.00 <input type="checkbox"/> FORGIVEN \$ 0.00	\$ 250.00	_____% 0.00	\$ 250.00 07/01/2012 DATE INCURRED	CALENDAR YEAR \$ 0.00 PER ELECTION **
Mr. Anna Song Santa Clara, CA 95051	Governing Board member Santa Clara County Board of Education, Seat #5	\$ 4,392.99	\$ 0.00	<input type="checkbox"/> PAID \$ 0.00 <input type="checkbox"/> FORGIVEN \$ 0.00	\$ 4,392.99	_____% 0.00	\$ 4,392.99 07/01/2012 DATE INCURRED	CALENDAR YEAR \$ 0.00 PER ELECTION **
<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC								
Mr. Peter Song Culver City, CA 90230	IT Consultant Self-employed	\$ 500.00	\$ 0.00	<input type="checkbox"/> PAID \$ 0.00 <input type="checkbox"/> FORGIVEN \$ 0.00	\$ 500.00	_____% 0.00	\$ 500.00 07/01/2012 DATE INCURRED	CALENDAR YEAR \$ 0.00 PER ELECTION **
<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC								
<b>SUBTOTALS \$</b>		0.00 \$	0.00 \$	0.00 \$	5,142.99 \$	0.00		

## Schedule B Summary

- Loans received this period ..... \$ \_\_\_\_\_ (Total Column (b) plus unitemized loans of less than \$100.)
- Loans paid or forgiven this period ..... \$ \_\_\_\_\_ (Total Column (c) plus loans under \$100 paid or forgiven.) (Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (Subtract Line 2 from Line 1.) ..... **NET \$** \_\_\_\_\_ (May be a negative number)

(Enter (e) on  
Schedule E, Line 3)

T 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

\* Amounts forgiven or paid by another party also must be reported on Schedule A.  
 \*\* if required.

# Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

COVER PAGE

CALIFORNIA  
FORM  
**460**

<b>Statement covers period</b> from <u>07/01/2015</u> through <u>12/31/2015</u>	<b>Date of election if applicable:</b> (Month, Day, Year) _____	Date Stamp E-Filed 08/11/2016 10:18:57 Filing ID: 161151290	Page <u>1</u> of <u>4</u> For Official Use Only
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SEE INSTRUCTIONS ON REVERSE

### 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 6)*
- 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

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)  
 Friends of Anna Song for County Board of Education 2012

I.D. NUMBER  
 1241672

### Treasurer(s)

NAME OF TREASURER  
 Anna Song  
 MAILING ADDRESS

STREET ADDRESS (NO P.O. BOX)  
 CITY STATE ZIP CODE AREA CODE/PHONE  
 Santa Clara CA 95051 (650) 906-7587  
 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  
 Santa Clara CA 95051 (650) 906-7587  
 NAME OF ASSISTANT TREASURER, IF ANY  
 MAILING ADDRESS  
 CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS  
 annasong@aol.com

OPTIONAL: FAX / E-MAIL ADDRESS  
 annasong@aol.com

### 4. Verification

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

Executed on 08/11/2016 Date  
 By Anna Song Signature of Controlling Officer/Candidate, State Measure Proponent or Responsible Officer of Sponsor  
 Signature of Treasurer or Assistant Treasurer

Executed on 08/11/2016 Date  
 By Anna Song Signature of Controlling Officer/Candidate, State Measure Proponent or Responsible Officer of Sponsor  
 Signature of Controlling Officer/Candidate, State Measure Proponent

Executed on \_\_\_\_\_ Date  
 By \_\_\_\_\_ Signature of Controlling Officer/Candidate, State Measure Proponent or Responsible Officer of Sponsor  
 Signature of Controlling Officer/Candidate, State Measure Proponent

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

**5. Officeholder or Candidate Controlled Committee**

NAME OF OFFICEHOLDER OR CANDIDATE  
 Anna Song  
 OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)  
 Board of Education Santa Clara County Board of Education: County of  
 Justice Area 5 District 5  
 RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP  
 Santa Clara CA 95051

**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	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
----------------------	--------------	---

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

OFFICE SOUGHT OR HELD DISTRICT NO. IF ANY

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

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	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

Amounts may be rounded to whole dollars.

Statement covers period from 07/01/2015 through 12/31/2015

Page 3 of 4

I.D. NUMBER  
1241672

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER  
Friends of Anna Song for County Board of Education 2012

## Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	Schedule A, Line 3 \$ 0.00	0.00
2. Loans Received	Schedule B, Line 3 0.00	5,142.99
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2 \$ 0.00	5,142.99
4. Nonmonetary Contributions	Schedule C, Line 3 0.00	0.00
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4 \$ 0.00	5,142.99

## Expenditures Made

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

## Current Cash Statement

12. Beginning Cash Balance	Previous Summary Page, Line 16 \$ 5,142.99
13. Cash Receipts	Column A, Line 3 above 0.00
14. Miscellaneous Increases to Cash	Schedule I, Line 4 0.00
15. Cash Payments	Column A, Line 8 above 0.00
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14, then subtract Line 15 \$ 5,142.99

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

17. LOAN GUARANTEES RECEIVED	Schedule B, Part 2 \$ 0.00
18. Cash Equivalents	See instructions on reverse \$ 0.00
19. Outstanding Debts	Add Line 2 + Line 9 in Column B above \$ 5,142.99

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

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

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

## Expenditure Limit Summary for State Candidates

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

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

# Schedule B - Part 1 Loans Received

Amounts may be rounded  
to whole dollars.

SCHEDULE B - PART 1

Statement covers period  
from 07/01/2015  
through 12/31/2015

CALIFORNIA FORM **460**

Page 4 of 4

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER: Friends of Anna Song for County Board of Education 2012

FULL NAME, STREET ADDRESS AND ZIP CODE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD *	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
Mr. Patrick Hoglund Santa Clara, CA 95051	Engineer PG & B			<input type="checkbox"/> PAID \$ 0.00 <input type="checkbox"/> FORGIVEN \$ 0.00	\$ 250.00	0.00 %	\$ 250.00	CALENDAR YEAR \$ 0.00 PER ELECTION **
<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ 250.00	\$ 0.00	\$ 0.00	DATE DUE	0.00 %	07/01/2012	CALENDAR YEAR \$ 0.00 PER ELECTION **
Ms. Anna Song Santa Clara, CA 95051	Governing Board member Santa Clara County Board of Education, Seat #5			<input type="checkbox"/> PAID \$ 0.00 <input type="checkbox"/> FORGIVEN \$ 0.00	\$ 4,392.99	0.00 %	\$ 4,392.99	CALENDAR YEAR \$ 0.00 PER ELECTION **
<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ 4,392.99	\$ 0.00	\$ 0.00	DATE DUE	0.00 %	07/01/2012	CALENDAR YEAR \$ 0.00 PER ELECTION **
Mr. Peter Song Culver City, CA 90230	IT Consultant Self-employed			<input type="checkbox"/> PAID \$ 0.00 <input type="checkbox"/> FORGIVEN \$ 0.00	\$ 500.00	0.00 %	\$ 500.00	CALENDAR YEAR \$ 0.00 PER ELECTION **
<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ 500.00	\$ 0.00	\$ 0.00	DATE DUE	0.00 %	07/01/2012	CALENDAR YEAR \$ 500.00 PER ELECTION **
<b>SUBTOTALS \$</b>		<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 5,142.99</b>	<b>0.00</b>		

## Schedule B Summary

- Loans received this period ..... \$ 0.00  
(Total Column (b) plus unitemized loans of less than \$100.)
- Loans paid or forgiven this period ..... \$ 0.00  
(Total Column (c) plus loans under \$100 paid or forgiven.)  
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (Subtract Line 2 from Line 1.) ..... **NET \$ 0.00**  
Enter the net here and on the Summary Page, Column A, Line 2.  
(May be a negative number)

(Enter (e) on Schedule E, Line 3)

T Contributor Codes

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

\* Amounts forgiven or paid by another party also must be reported on Schedule A.  
\*\* If required.

# Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

COVER PAGE

CALIFORNIA  
FORM  
**460**

SEE INSTRUCTIONS ON REVERSE

**Statement covers period**  
 from 01/01/2016  
 through 06/30/2016

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

Date Stamp  
 E-Filed  
 08/11/2016  
 10:33:47  
 Filing ID:  
 161151439

Page 1 of 4  
 For Official Use Only

### 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  
 Sponsor  
 Small Contributor Committee  
 Political Party/Central Committee
- Primarily Formed Ballot Measure Committee  
 Controlled  
 Sponsored  
(Also Complete Part 6)
- 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  
1241672

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)  
 Friends of Anna Song for County Board of Education 2012

### Treasurer(s)

NAME OF TREASURER  
 Anna Song  
 MAILING ADDRESS  
 \_\_\_\_\_

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

Santa Clara CA 95051 (650) 906-7587

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

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS  
 annasong@aol.com

OPTIONAL: FAX / E-MAIL ADDRESS  
 annasong@aol.com

CITY STATE ZIP CODE AREA CODE/PHONE

Santa Clara CA 95051 (650) 906-7587

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS  
 annasong@aol.com

### 4. Verification

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

Executed on 08/11/2016 By Anna Song  
Date Signature of Treasurer or Assistant Treasurer

Executed on 08/11/2016 By Anna Song  
Date Signature of Controlling Officer/ Candidate, State Measure Proponent or Responsible Officer of Sponsor

Executed on \_\_\_\_\_ By \_\_\_\_\_  
Date Signature of Controlling Officer/ Candidate, State Measure Proponent

Executed on \_\_\_\_\_ By \_\_\_\_\_  
Date Signature of Controlling Officer/ Candidate, State Measure Proponent

FPPC Form 460 (Jan/2016)

FPPC Advice: [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) (866)275-3772

[www.fppc.ca.gov](http://www.fppc.ca.gov)

[www.netfile.com](http://www.netfile.com)



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

**5. Officeholder or Candidate Controlled Committee**

NAME OF OFFICEHOLDER OR CANDIDATE  
 Anna Song  
 OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)  
 Board of Education Santa Clara County Board of Education: County of  
 Trustee Area 5 District 5  
 RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP  
 Santa Clara CA 95051

**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	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

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

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD DISTRICT NO. IF ANY

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

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

Attach continuation sheets if necessary

# Campaign Disclosure Statement Summary Page

Amounts may be rounded  
to whole dollars.

SUMMARY PAGE

CALIFORNIA  
FORM **460**

Statement covers period  
from 01/01/2016  
through 06/30/2016

Page 3 of 4

I.D. NUMBER  
1241672

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER  
Friends of Anna Song for County Board of Education 2012

## Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions	Schedule A, Line 3 \$ 0.00	0.00
2. Loans Received	Schedule B, Line 3 0.00	5,142.99
3. SUBTOTAL CASH CONTRIBUTIONS	Add Lines 1 + 2 \$ 0.00	5,142.99
4. Nonmonetary Contributions	Schedule C, Line 3 0.00	0.00
5. TOTAL CONTRIBUTIONS RECEIVED	Add Lines 3 + 4 \$ 0.00	5,142.99

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

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

## Expenditures Made

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

## Expenditure Limit Summary for State Candidates

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

Date of Election (mm/dd/yy) Total to Date

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ \$ \_\_\_\_\_

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

## Current Cash Statement

12. Beginning Cash Balance	Previous Summary Page, Line 16 \$ 5,142.99
13. Cash Receipts	Column A, Line 3 above 0.00
14. Miscellaneous Increases to Cash	Schedule I, Line 4 0.00
15. Cash Payments	Column A, Line 8 above 0.00
16. ENDING CASH BALANCE	Add Lines 12 + 13 + 14; then subtract Line 15 \$ 5,142.99

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

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

## Cash Equivalents and Outstanding Debts

18. Cash Equivalents	See instructions on reverse \$ 0.00
19. Outstanding Debts	Add Line 2 + Line 9 in Column B above \$ 5,142.99

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).

# Schedule B - Part 1 Loans Received

Amounts may be rounded  
to whole dollars.

Statement covers period  
from 01/01/2016  
through 06/30/2016

Page 4 of 4

**CALIFORNIA FORM 460**

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

Friends of Anna Song for County Board of Education 2012

FULL NAME, STREET ADDRESS AND ZIP CODE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	OUTSTANDING BALANCE BEGINNING THIS PERIOD (a)	AMOUNT RECEIVED THIS PERIOD (b)	AMOUNT PAID OR FORGIVEN THIS PERIOD* (c)	OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD (d)	INTEREST PAID THIS PERIOD (e)	ORIGINAL AMOUNT OF LOAN (f)	CUMULATIVE CONTRIBUTIONS TO DATE (g)
Mr. Patrick Hoglund Santa Clara, CA 95051	Engineer PG & E	\$ 250.00	\$ 0.00	<input type="checkbox"/> PAID <input type="checkbox"/> FORGIVEN 0.00	\$ 250.00	% RATE	\$ 250.00	CALENDAR YEAR 0.00 PER ELECTION**
Mr. Anna Song Santa Clara, CA 95051	Governing Board member Santa Clara County Board of Education, Seat #5	\$ 4,392.99	\$ 0.00	<input type="checkbox"/> PAID <input type="checkbox"/> FORGIVEN 0.00	\$ 4,392.99	% RATE	\$ 4,392.99	CALENDAR YEAR 0.00 PER ELECTION**
Mr. Peter Song Culver City, CA 90230	IT Consultant Self-employed	\$ 500.00	\$ 0.00	<input type="checkbox"/> PAID <input type="checkbox"/> FORGIVEN 0.00	\$ 500.00	% RATE	\$ 500.00	CALENDAR YEAR 0.00 PER ELECTION**
<b>SUBTOTALS \$</b>		<b>0.00 \$</b>	<b>0.00 \$</b>	<b>0.00 \$</b>	<b>5,142.99 \$</b>	<b>0.00</b>		

## Schedule B Summary

- Loans received this period ..... \$ 0.00  
(Total Column (b) plus unitemized loans of less than \$100.)
- Loans paid or forgiven this period ..... \$ 0.00  
(Total Column (c) plus loans under \$100 paid or forgiven.)  
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period: (Subtract Line 2 from Line 1.) ..... **NET \$ 0.00**  
Enter the net here and on the Summary Page, Column A, Line 2.  
(May be a negative number)

†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

\*Amounts forgiven or paid by another party also must be reported on Schedule A.  
\*\* If required.

**EXHIBIT A-11**



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3000 • Sacramento, CA 95811  
(916) 322-5660 • Fax (916) 322-0886

February 8, 2019

Anna Song  
3568 Agate Drive, Apartment 16  
Santa Clara, CA 95051  
Also via email: annasong@aol.com

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

**Re: FPPC No. 17/107  
In the Matter of Friends of Anna Song for County Board of Education 2016 and Anna Song**

Dear Ms. Song:

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 **March 21, 2019**, and decide whether to impose the maximum administrative penalty of \$10,000 against you.

You were previously served on February 25, 2018 with a Report in Support of a Finding of Probable Cause ("Probable Cause Report"), advising you of your right to request a probable cause conference or submit a written response to the Probable Cause Report. You did not request a probable cause conference, nor did you submit anything in writing for the Commission's Hearing Officer to consider in his determination of probable cause.

Following the issuance of the Probable Cause Report, the Commission's Hearing Officer found probable cause that you committed three violations of the Political Reform Act. Thereafter, the Commission's Chief of Enforcement issued an Accusation against you on these violations. The Accusation was personally served on you on July 8, 2018. Under the law, you have therefore received adequate notice of these proceedings and the action filed against you. Under the Administrative Procedure Act, you were required to file your Notices of Defense within 15 days after service of the Accusation. You failed to file the Notices of Defense forms. As such, your right to an administrative hearing on this matter has been forfeited, and you are in a default position.

You may, but you are not required to, provide a response brief, along with any supporting materials, no later than five calendar days before the Commission hearing at which the default is scheduled to be heard. Your response brief must be served on the Commission Assistant, at the above address.

At its public meeting on March 21 2019 the Commission may impose an administrative penalty against you in the amount of \$10,000, the maximum penalty for the three violations.

Following the issuance of the default order and imposition of the administrative penalty, we will commence legal proceedings to collect this fine, which may include converting the Commission's order to a court judgment. Please be advised that administrative penalties for violations of the Political Reform Act cannot be discharged in bankruptcy proceedings.

This letter is your last opportunity to resolve this matter informally by way of a stipulated settlement, before the default proceedings are commenced. If we do not reach a resolution, the enclosed documents will be placed on the Commission's agenda for the March 21, 2019 meeting. Please contact me at (916) 323-6421 or [tgilbertson@fppc.ca.gov](mailto:tgilbertson@fppc.ca.gov) if you wish to enter into a negotiated settlement.

Sincerely,



Theresa Gilbertson  
Commission Counsel  
Enforcement Division

Enclosures

**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 2/8/19, I served the following document(s): FPPC Case No. 17/00107: Default, Decision and Order, and Exhibits 1, Exhibits A1-A11, and Cover Letter.

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 first class mail, 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**

USPS

Anna Song  
3568 Agate Drive, Apartment 16  
Santa Clara, CA 95051

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 2/8/19.

  
\_\_\_\_\_  
THERESA GILESETSON