

1 **JAMES LINDSAY**  
Chief of Enforcement  
2 **LAURA COLUMBEL**  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
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5 Attorneys for Complainant

6  
7 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

8  
9 STATE OF CALIFORNIA

10 In the Matter of ) FPPC No.: 23/211  
11 )  
12 MIGUEL MAGALLANES ) DEFAULT DECISION AND  
13 Respondents. ) ORDER  
14 (Government Code Sections 11506  
15 and 11520)

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

19 Pursuant to the California Administrative Procedure Act,<sup>1</sup> Miguel Magallanes (“Magallanes”) has  
20 been served with all of the documents necessary to conduct an administrative hearing regarding the  
21 above-captioned matter, including the following:

- 22 1. An Order Finding Probable Cause;  
23 2. An Accusation;  
24 3. A Notice of Defense (Two Copies per Respondent);  
25 4. A Statement to Respondent; and  
26 5. Copies of Sections 11506, 11507.5, 11507.6 and 11507.7 of the Government Code.  
27

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

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

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

13  
14 Dated: \_\_\_\_\_

\_\_\_\_\_  
James M. Lindsay, Chief of Enforcement  
Fair Political Practices Commission

15  
16  
17 **ORDER**

18 The Commission issues this Default Decision and Order and imposes a total administrative  
19 penalty of \$12,000 upon Miguel Magallanes, payable to the "General Fund of the State of California."

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

22  
23  
24 Dated: \_\_\_\_\_

\_\_\_\_\_  
Adam E. Silver, Chair  
Fair Political Practices Commission

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Miguel Magallanes (“Magallanes”) was appointed as a planning commissioner for the City of Filmore on May 12, 2020 for a four-year term. He is still serving in the position.

The Political Reform Act (“the Act”) requires certain public officials, including planning commissioners, to file an annual statement of economic interest (“SEI”) disclosing their investments, their interests in real property, and their income during the period.

This matter arose from a commission-initiated investigation regarding potential violations of the Act’s SEI provisions.

As an officeholder, Magallanes failed to timely file three Annual SEIs.

### **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>1</sup> Notice of the hearing, and the hearing itself, must be conducted in accordance with the Administrative Procedure Act (the “APA”).<sup>2</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>3</sup>

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

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<sup>1</sup> Section 83116.

<sup>2</sup> The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code; Section 83116.

<sup>3</sup> Section 11503.

<sup>4</sup> Section 11506, subd. (a)(1)–(6).

The APA provides that a respondent's failure to file a Notice of Defense within 15 days after service of an accusation constitutes a waiver of the respondent's right to a hearing.<sup>5</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>6</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>7</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>8</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>9</sup>

No administrative action pursuant to Chapter 3 of the Act alleging a violation of any of the provisions of the Act may be commenced more than five years after the date on which the violation occurred.<sup>10</sup>

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-6, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Magallanes in this matter by serving him with a Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by certified mail.<sup>11</sup> Magallanes was served with the Report on April 13, 2024. (Certification, Exhibit A-2.) The administrative action commenced on April 13, 2024, and the five-year statute of limitations was effectively tolled on this date.

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<sup>5</sup> Section 11506, subd. (c).

<sup>6</sup> Section 11520, subd. (a).

<sup>7</sup> Section 91000.5, subd. (a).

<sup>8</sup> Section 83115.5.

<sup>9</sup> Section 83115.5.

<sup>10</sup> Section 91000.5.

<sup>11</sup> Section 83115.5.

As required by Section 83115.5, the packet served on Magallanes contained a cover letter and a memorandum describing probable cause proceedings, advising that Magallanes had 21 days in which to request a probable cause conference and/or to file a written response to the Report. Magallanes did not request a probable cause conference or submit a written response to the Report.

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

Because Magallanes 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 May 8, 2024 (Certification, Exhibit A-3.)

On May 23, 2024, the Hearing Officer, John Feser, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Magallanes. (Certification, Exhibit A-4.)

**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>12</sup>

Section 11503 states:

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

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

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<sup>12</sup> Regulation 18361.4, subd. (g).

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

On July 19, 2024, the Commission's Chief of Enforcement, James Lindsay, issued an Accusation against Magallanes. (Certification, Exhibit A-5.) In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form for each respondent, copies of Government Code Sections 11506, 11507.5, 11507.6, and 11507.7, were served upon Magallanes on July 24, 2024.

Along with the Accusation, the Enforcement Division served Magallanes with a "Statement to Respondent," which notified them that they could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, they would be deemed to have waived the right to a hearing. (Certification, Exhibit A-6.) Magallanes did not file a Notice of Defense within the statutory time period, which ended on August 8, 2024.

As a result, on September 23, 2024, the Enforcement Division sent a letter to Magallanes advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for September . (Certification, Exhibit A-11.)

On October 24, 2024, the Enforcement Division sent another letter to Magallanes advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for October. (Certification, Exhibit A-12.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

## SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. The violations in this case occurred between 2021 and 2023. For this reason, all legal references and discussions of law pertain to the Act's provisions as they existed at that time.

An express purpose of the Act is to promote transparency by ensuring that assets and income of public officials which may be materially affected by their official actions be disclosed

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<sup>13</sup> Section 11505, subd. (a).

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

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

so that conflicts of interests may be avoided.<sup>16</sup> Another purpose is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>17</sup>

The Act requires every person who holds an office specified in Section 87200, including planning commissioners, to annually file a statement disclosing their investments, their interests in real property, and their income by filing a statement of economic interests (“SEI”) by April 1 of each year.<sup>18</sup> When April 1 falls on a weekend or holiday, the filing deadline is extended to the next regular business day.<sup>19</sup>

## SUMMARY OF THE EVIDENCE

Documents supporting the summary of the evidence are included in the attached Certification of Records (“Certification”) filed herewith as Certified, Exhibit 1, A-7 through A-10 and incorporated herein by reference.

Magallanes was appointed as a planning commissioner to the City of Filmore on May 12, 2020, for a four-year term. He is currently serving in the position. (Certification, Exhibit A-7.) Magallanes filed an Assuming Office SEI timely on June 10, 2020. (Certification, Exhibit A-8.)

Magallanes was required to timely file a 2020 Annual SEI by the April 1, 2021 deadline. The SEI Unit of the Commission notified Magallanes two times in writing on June 25, 2021 and August 4, 2021 of his obligation to file a 2020 Annual SEI. (Certification, Exhibit A-9.)

Magallanes was required to timely file a 2021 Annual SEI by the April 1, 2022 deadline. The SEI Unit notified Magallanes two times in writing on June 30, 2022 and August 4, 2022 of his obligation to file a 2021 Annual SEI. (Certification, Exhibit A-10.)

The SEI Unit Referred the matter to the Enforcement Division after Magallanes failed to respond to requests or file outstanding SEIs.

Magallanes was required to timely file a 2022 Annual SEI by the April 3, 2023 deadline. To date, Magallanes have not filed any outstanding SEIs.

Magallanes failed to timely file the following Annual SEIs.

Type of Statement	Date Due	Date Filed
2020 Annual	4/1/2021	Not filed

<sup>16</sup> Section 81002, subd. (c).

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

<sup>18</sup> Sections 87200 and 87203; Regulation 18723, subdivision (b)(2).

<sup>19</sup> Regulation 18116, subdivision (a).

Type of Statement	Date Due	Date Filed
2021 Annual	4/1/2022	Not filed
2022 Annual	4/3/2023	Not filed

### Summary of Contact

The Enforcement Division contacted Magallanes multiple times regarding the investigation. At one point, Magallanes engaged in the process but ultimately failed to come into compliance.

Overall, the Enforcement Division contacted Magallanes approximately eleven times throughout this case, as follows:

- March 28, 2023: email from Enforcement Division regarding his case
- April 20, 2023: email from Enforcement Division regarding his case. Magallanes engaged in discussions
- September 11, 2023: email from Enforcement Division regarding his case
- November 3, 2023: email from Enforcement Division regarding his case
- February 8, 2024: email from Enforcement Division regarding his case
- February 9, 2024: voice mail left from Enforcement Division
- February 20, 2024: voice mail left from Enforcement Division
- February 20, 2024: email from Enforcement Division regarding his case
- March 4, 2024: voice mail left from Enforcement Division
- ..., 2024: letter to Magallanes informing them that a Default Decision and Order would appear on the agenda for the October 17, 2024 Commission meeting as a notice item
- ..., 2024: Notice of Intent to Enter Default Decision and Order to Magallanes informing them that the Default Decision and Order would be presented at the November 21, 20 meeting for Commission action

## **VIOLATIONS**

Magallanes committed three violations of the Act as follows:

### COUNT 1

#### **Failure to Timely File a 2020 Annual SEI**

Magallanes had a duty to timely file his 2020 Annual SEI, due on April 1, 2021. By failing to timely file his 2020 Annual SEI, due on April 1, 2021, Magallanes violated Government Code Sections 87200 and 87203.



## COUNT 2

### **Failure to Timely File a 2021 Annual SEI**

Magallanes had a duty to timely file his 2021 Annual SEI, due on April 1, 2022. By failing to timely file his 2021 Annual SEI, due on April 1, 2022, Magallanes violated Government Code Section 87200 and 87203.

## COUNT 3

### **Failure to Timely File a 2022 Annual SEI**

Magallanes had a duty to timely file his 2022 Annual SEI, due on April 3, 2023. By failing to timely file his 2022 Annual SEI, due on April 3, 2023, Magallanes violated Government Code Section 87200 and 87203.

## **CONCLUSION**

This matter consists of 3 counts of violating the Act, which carry a maximum total administrative penalty of \$15,000.<sup>20</sup>

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors set forth in Regulation 18361.5 subdivision (e)(1) through (8): (1) The extent and gravity of the public harm caused by the specific violation; (2) The level of experience of the violator with the requirements of the Political Reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence or absence of any intention to conceal, deceive or mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and (8) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.<sup>21</sup>

In this matter, Magallanes failed to timely file three Annual SEIs for his position as a planning commissioner to the City of Filmore.

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<sup>20</sup> Section 83116, subd. (c).

<sup>21</sup> Regulation 18361.5, subd. (e).

Here, failure to file annual SEIs deprives the public of important information about a public official’s economic interests which could lead to potential conflicts of interests regarding decisions they make in their official capacity. Magallanes has failed to file the missing SEIs, despite repeated outreach attempts. Magallanes’s violations deprived the public of important and timely information regarding his economic interests, and he has not filed these SEIs to date.

Magallanes has been a planning commissioner since 2020, he is currently in office, and he is aware that the Act required filing of SEIs as he filed his Assuming Office SEI.

Magallanes has no prior record of violations of the Act for statements of economic interests violations.

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

Count 1-3

- *In the Matter of Lola Skelton*, FPPC No. 16/19779. (The Commission approved a default decision on February 15, 2018.) The respondent failed to timely file two SEIs despite being contacted several times regarding this matter. Despite being in office at the time of the default decision, she failed to file the outstanding SEIs. In addition, the respondent had a prior history of noncompliance and paid a fine in a prior case. The Commission imposed a penalty of \$5,000 per count, \$10,000 in total for this violation.

This case is similar to the present matter as Magallanes is well aware of his obligation to file SEIs, he is still in office, and has failed to file despite multiple requests for compliance from the SEI Unit and the Enforcement Division. This case is distinguishable because Magallanes does not have a prior history of noncompliance. Therefore, a lesser default penalty amount is recommended.

**PROPOSED PENALTY**

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, the following penalties are proposed:

<b>Counts</b>	<b>Violations: Magallanes</b>	<b>Proposed Penalty per Count</b>
1-3	Failure to Timely File an Annual Statement of Economic Interest	\$4,000
	<b>Total:</b>	<b>\$12,000</b>



**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 3050, 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. 23/211; Miguel Magallanes* 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 March 26, 2024

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated March 26, 2024, and accompanying certified mail receipts, and USPS tracking

EXHIBIT A-3: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated May 8, 2024

EXHIBIT A-4: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated May 23, 2024

EXHIBIT A-5: Accusation, dated July 19, 2024

- EXHIBIT A-6: Proof of Service for Accusation and accompanying documents from process server, dated July 24, 2024
- EXHIBIT A-7: City of Filmore, Planning Commission Agenda, August 21, 2024
- EXHIBIT A-8: Assuming Office SEI, filed June 10, 2020
- EXHIBIT A-9: June 25, 2021 and August 4, 2021 Notifications from FPPC for outstanding 2020 Annual SEI.
- EXHIBIT A-10: June 30 2022 and August 4, 2022 Notifications from FPPC for outstanding 2021 Annual SEI.
- EXHIBIT A-11: Notice of Default Decision and Order, dated September 23, 2024
- EXHIBIT A-12: Notice of Intent to Enter Default Decision and Order, dated October 23, 2024.
- .

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed October 23, 2024, at Sacramento, California.



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Shaina Elkin  
Associate Governmental Program Analyst  
Enforcement Division  
Fair Political Practices Commission

**Exhibit A-1**

1 JAMES M. LINDSAY  
Chief of Enforcement  
2 LAURA COLUMBEL  
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  
9 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**  
10 **STATE OF CALIFORNIA**

11 In the Matter of ) FPPC No. 2023-00211  
12 )  
13 ) **REPORT IN SUPPORT OF A FINDING OF**  
MIGUEL MAGALLANES, ) **PROBABLE CAUSE**  
14 )  
Respondent. ) Conference Date: TBA  
15 ) Conference Time: TBA  
16 ) Conference Location: Commission Offices  
17 ) 1102 Q Street, Suite 3050  
18 ) Sacramento, CA 95811

19 **INTRODUCTION**

20 Respondent, Miguel Magallanes (“Magallanes”), was appointed as planning commissioner to  
21 the City of Filmore for a four-year term on May 12, 2020 and is currently still serving in the position.

22 The Political Reform Act (the “Act”)<sup>1</sup> requires public officials, including planning  
23 commissioners, to disclose their reportable economic interests on a Statement of Economic Interests  
24 (“SEI”) at various times pursuant to the Commission’s regulations. Magallanes violated the Act by

25 \_\_\_\_\_  
26 <sup>1</sup> The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are  
27 to this code. The regulations of the Fair Political Practices Commission are contained in §§ 18104 through 18998 of Title 2 of  
28 the California Code of Regulations, and all regulatory references are to this source.

1 failing to timely file a 2020 Annual SEI by the April 1, 2021 due date, a 2021 Annual SEI by the April  
2 1, 2022 due date, and a 2022 Annual SEI by the April 3, 2023 due date for his position as planning  
3 commissioner to the City of Filmore.

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

5 The Act and its regulations are amended from time to time. The discussion below regarding  
6 jurisdiction, the standard for finding probable cause, and the contents of the probable cause report  
7 includes references to current law. Unless otherwise noted, all other legal references and discussions of  
8 law pertain to the Act’s provisions as they existed at the time of the violations in this case.

#### 9 **Jurisdiction and Probable Cause Proceedings**

10 The Fair Political Practices Commission (the “Commission”) has primary responsibility for the  
11 impartial, effective administration and implementation of the Act.<sup>2</sup> This includes enforcement through  
12 administrative prosecution.<sup>3</sup> However, before the Commission’s Enforcement Division may commence  
13 administrative prosecution by filing/serving an Accusation, a hearing officer (either the General  
14 Counsel of the Commission or another attorney in the Commission’s Legal Division) must determine  
15 whether there is probable cause that supports a reasonable belief or strong suspicion that one or more  
16 violations of the Act occurred.<sup>4</sup> Any finding of probable cause is required by law to be announced  
17 publicly, which includes the posting of a summary of the allegations on the Commission’s website.<sup>5</sup>  
18 After a finding of probable cause, the Commission may then hold a hearing to determine what  
19 violations have occurred—and levy an administrative penalty of up to \$5,000 for each violation.<sup>6</sup>

#### 20 **Standard for Finding Probable Cause**

21 For the hearing officer to make a finding of probable cause, it is only necessary that he or she be  
22 presented with evidence that sufficiently supports a reasonable belief or strong suspicion that the Act  
23

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24 <sup>2</sup> Section 83111.

25 <sup>3</sup> Section 83116.

26 <sup>4</sup> Sections 83115.5 and 83116; Regulations 18361, subd. (b), and 18361.4.

27 <sup>5</sup> Regulation 18361.4, subd. (g).

28 <sup>6</sup> Section 83116; Regulation 18361.4, subd. (g).

1 has been violated.<sup>7</sup> Probable cause may only be found if the Respondents were notified of the violations  
2 at least 21 days prior to the hearing officer’s consideration of the alleged violations.<sup>8</sup>

### 3 **Contents of the Probable Cause Report**

4 The probable cause report is required to contain a summary of the law and evidence that  
5 supports a finding of probable cause that each alleged violation of the Act has occurred, as well as a  
6 description of any exculpatory evidence indicating a violation alleged in the report did not occur. The  
7 evidence recited in the probable cause report may include hearsay.<sup>9</sup>

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

9 When enacting the Act, the people of California found and declared that previous laws  
10 regulating political practices suffered from inadequate enforcement by state and local authorities.<sup>10</sup> For  
11 this reason, the Act is to be construed liberally to accomplish its purposes.<sup>11</sup>

12 One purpose of the Act is to promote transparency by ensuring that assets and income of public  
13 officials which may be materially affected by their official actions be disclosed so that conflicts of  
14 interests may be avoided.<sup>12</sup> Another purpose of the Act is to provide adequate enforcement mechanisms  
15 so that the Act will be “vigorously enforced.”<sup>13</sup>

### 16 **Section 87200 Applicability and Annual Statements**

17 Every person who holds an office specified in Section 87200, including planning  
18 commissioners, shall, each year, file a statement disclosing their investments, their interests in real  
19 property and their income during the period.<sup>14</sup> The filing due date for the annual statements for a  
20 planning commissioner shall be April 1.<sup>15</sup> If a statement or report is required to be filed before or on a  
21 specified date, and the filing deadline falls on a Saturday, Sunday, or official state holiday, the filing

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22 <sup>7</sup> Regulation 18361.4, subd. (a).

23 <sup>8</sup> Section 83115.5.

24 <sup>9</sup> Regulation 18361.4, subd. (b).

25 <sup>10</sup> Section 81001, subd. (h).

26 <sup>11</sup> Section 81003.

27 <sup>12</sup> Section 81002, subd. (c).

28 <sup>13</sup> Section 81002, subd. (f).

<sup>14</sup> Regulation 87203.

<sup>15</sup> Regulation 18723, subd. (b)(3).



1 deadline for the statement or report shall be extended to the next regular business day.<sup>16</sup> Any person  
2 who violates any provision of the Act is liable for administrative penalties up to \$5,000 per violation.<sup>17</sup>

### 3 **SUMMARY OF THE EVIDENCE**

4 Magallanes was appointed as planning commissioner to the City of Filmore for a four-year term  
5 on May 11, 2020. To date, Magallanes continues to hold his position as planning commissioner  
6 according to the City of Filmore Planning Commission official website. According to records  
7 maintained by the SEI Unit of the Commission, Magallanes failed to timely file his 2020 Annual SEI  
8 by the April 1, 2021 due date, 2021 Annual SEI by the April 1, 2022 due date, and 2022 Annual SEI by  
9 the April 3, 2023 due date.

10 The SEI Unit of the Commission contacted Magallanes four times in writing between June 25,  
11 2021 and August 4, 2022 to remind Magallanes of his filing obligations. After not receiving compliance  
12 from Magallanes regarding his outstanding SEIs, the SEI Unit referred the matter to the Commission's  
13 Enforcement Division.

14 The Commission's Enforcement Division contacted Magallanes at least five times in writing  
15 and left three voice messages between March 3, 2023 and March 4, 2024 to remind Magallanes of his  
16 outstanding Annual SEI filing obligations. Magallanes accepted a Political Reform Education Program  
17 ("PREP") agreement on April 19, 2023 but subsequently failed PREP on July 17, 2023 for not  
18 completing the program. Other than as noted, Magallanes has failed to respond to any communication  
19 from the Enforcement Division.

20 As of the date of this Report, Magallanes has not filed these SEIs in connection to his role as  
21 planning commissioner to the City of Filmore.

### 22 **VIOLATIONS.**

#### 23 Count 1: Failure to Timely File 2020 Annual Statement of Economic Interest

24  
25  
26 <sup>16</sup> Section 81005, subd. (a).

<sup>17</sup> Sections 83116 and 83116.5.



**Exhibit A-2**

**PROOF OF SERVICE**

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814. On March 28, 2024, I served the following document(s):

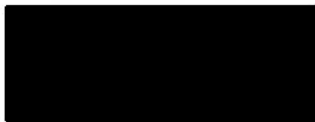
1. Letter dated March 26, 2024, from Laura Columbel;
2. FPPC No. 23/00211 Report in Support of a Finding of Probable Cause;
3. Probable Cause Fact Sheet
4. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings

By United States Postal Service. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the addresses listed below and placed the envelope or package for collection and mailing by certified mail, return receipt requested, following my company's ordinary business practices. I am readily familiar with this business' practice for collection and processing correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

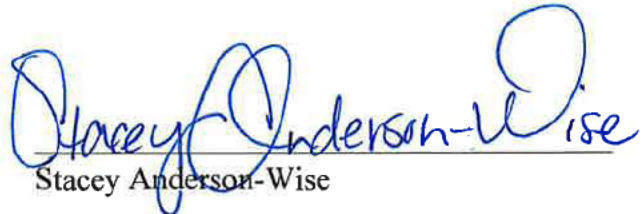
I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

**SERVICE LIST**

Miguel Magallanes



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 28, 2024.

  
Stacey Anderson-Wise



Tracking Number:

**9589071052700589140132**

Remove X

 Copy  Add to Informed Delivery

**Latest Update**

Your item was delivered to an individual at the address at 12:03 pm on April 13, 2024 in FILLMORE, CA 93015.

---

Get More Out of USPS Tracking:  
 **USPS Tracking Plus<sup>®</sup>**

- Delivered**  
Delivered, Left with Individual  
FILLMORE, CA 93015  
April 13, 2024, 12:03 pm
- Notice Left (No Authorized Recipient Available)**  
FILLMORE, CA 93015  
April 13, 2024, 12:01 pm
- Redelivery Scheduled**  
FILLMORE, CA 93015  
April 12, 2024
- Reminder to Schedule Redelivery of your item**  
April 8, 2024
- Notice Left (No Authorized Recipient Available)**  
FILLMORE, CA 93015  
April 2, 2024, 1:25 pm
- Arrived at USPS Regional Facility**  
SANTA BARBARA CA DISTRIBUTION CENTER  
March 31, 2024, 4:05 pm
- [Hide Tracking History](#)

[What Do USPS Tracking Statuses Mean?](#)

**Exhibit A-3**

1 JAMES M. LINDSAY  
Chief of Enforcement  
2 LAURA COLUMBEL  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street, Suite 3050  
Sacramento, CA 95811  
4 Telephone: (279) 237-5974  
5 Email: [lcolumbel@fppc.ca.gov](mailto:lcolumbel@fppc.ca.gov)

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 In the Matter of ) FPPC No. 2023-00211  
11 )  
MIGUEL MAGALLANES, ) EX PARTE REQUEST FOR A FINDING OF  
12 ) PROBABLE CAUSE AND AN ORDER THAT  
13 Respondent. ) AN ACCUSATION BE PREPARED AND  
14 ) SERVED  
15 ) Gov. Code § 83115.5  
16 )

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

18 Pursuant to Section 83115.5 of the Political Reform Act (the “Act”)<sup>1</sup> and Regulation 18361.4,  
19 Respondent Miguel Magallanes (“Magallanes”) was served with a copy of a report in support of a finding  
20 of probable cause (“PC Report”) in the above-entitled matter.<sup>2</sup> The PC Report, attached as “Exhibit A,”  
21 was part of a packet of materials, including a cover letter, a memorandum describing probable cause  
22 proceedings, and a probable cause checklist form, which was sent to Magallanes on March 28, 2024 by  
23 certified mail, with return receipt requested, and was delivered on April 13, 2024. A copy of the proof of  
24 service, certified return receipt, and USPS tracking log is attached as “Exhibit B.”

25 <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 §§ 18104 through 18998 of Title 2 of the  
California Code of Regulations, and all regulatory references are to this source.

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



1 In the cover letter dated March 26, 2024, and the attached materials, Magallanes was advised that  
2 he could respond in writing to the PC Report and orally present the case to the Hearing Officer at a  
3 probable cause conference to be held in Sacramento. Magallanes was further advised that in order to have  
4 a probable cause conference he needed to make a written request for one within 21 days of the date he  
5 received the PC Report, or the date requested records were sent by the Enforcement Division.  
6 Additionally, Magallanes was advised that if he did not request a probable cause conference, such a  
7 conference would not be held and probable cause would be determined based solely on the PC Report and  
8 any written response that he submitted within 21 days of the date he was served with the PC Report, or  
9 the date requested records were sent by the Enforcement Division. To date, Magallanes has not submitted  
10 a written response or requested a probable cause conference.

11 WHEREFORE, based on the attached PC Report, the Enforcement Division requests a finding by  
12 the Hearing Officer that probable cause exists to believe that the Respondent committed three violations  
13 of the Act, stated as follows:

14 Count 1: Magallanes failed to timely file his 2020 Annual SEI by the April 1, 2021 due date, in  
15 violation of Government Code Section 87300.

16 Count 2: Magallanes failed to timely file his 2021 Annual SEI by the April 1, 2022 due date, in  
17 violation of Government Code Section 87300.

18 Count 3: Magallanes failed to timely file his 2022 Annual SEI by the April 3, 2023 due date, in  
19 violation of Government Code Section 87300.

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

22 ///

23 ///

24 ///

25 ///

---

26 <sup>3</sup> Gov. Code § 11503.

1 A copy of this Request was mailed via U.S. Mail to Magallanes on May 9, 2024 at the last known  
2 address, as follows:

3  
4 Miguel Magallanes  
5 250 E Telegraph Rd.  
6 Space 227  
7 Fillmore, CA 93015

8  
9 Dated: 5/8/2024

10 Respectfully Submitted,

11  
12 **FAIR POLITICAL PRACTICES COMMISSION**  
13 James M. Lindsay  
14 Chief of Enforcement

15  
16 *Laura Columbel*

17  
18 By: Laura Columbel  
19 Commission Counsel  
20 Enforcement Division  
21  
22  
23  
24  
25  
26

**Exhibit A-4**

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3  
4 In the Matter of ) FPPC No. 2023-00211  
5 MIGUEL MAGALLANES, )  
6 Respondent. ) FINDING OF PROBABLE CAUSE AND  
7 ) ORDER TO PREPARE AND SERVE AN  
8 ) ACCUSATION  
9 ) Gov. Code § 83115.5  
10 )  
11 )

12 By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation  
13 Be Prepared and Served, dated May 8, 2024, the Enforcement Division submitted the above-entitled  
14 matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request  
15 for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served (“Ex Parte  
16 Request”), the Enforcement Division served a Report in Support of a Finding of Probable Cause (“PC  
17 Report”) on Respondent Miguel Magallanes (“Magallanes”) on April 13, 2024 by certified mail, return  
18 receipt requested. Accompanying the PC Report was a packet of materials that informed the Respondent  
19 of his right to file a written response to the PC Report and to request a probable cause conference within  
20 21 days following service of the PC Report, or transmittal of any requested records by the Enforcement  
21 Division. During the 21 days that followed service of the PC Report, Respondent did not file a response  
22 to the PC Report, request records, or request a probable cause conference. Pursuant to California Code of  
23 Regulations title 2, section 18361.4,<sup>1</sup> determination of probable cause may be made solely on papers  
24 submitted when the respondent does not request a probable cause conference.

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

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

1 Probable cause to believe a violation has occurred can be found to exist when “the evidence  
2 sufficiently supports a reasonable belief or strong suspicion that the Act has been violated.”<sup>2</sup>

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

5 Count 1: Magallanes failed to timely file his 2020 Annual SEI by the April 1, 2021 due date, in  
6 violation of Government Code Section 87300.

7 Count 2: Magallanes failed to timely file his 2021 Annual SEI by the April 1, 2022 due date, in  
8 violation of Government Code Section 87300.


9 Count 3: Magallanes failed to timely file his 2022 Annual SEI by the April 3, 2023 due date, in  
10 violation of Government Code Section 87300.

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

14 I therefore direct that the Enforcement Division issue an accusation against Magallanes in  
15 accordance with this finding.

16 IT IS SO ORDERED.

17 Dated: May 23, 2024

18   
19 \_\_\_\_\_  
20 Hearing Officer  
21 Fair Political Practices Commission

22  
23  
24  
25  
26  
27 <sup>2</sup> Cal. Code Reg., tit. 2, § 18361.4, subd. (a).

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

**FPPC No. 2023-00211, In the matter of Miguel Magallanes**

**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 3050, 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**

Miguel Magallanes



**(By Personal Service) On Thursday, May 23, 2024, at approximately 3:00 p.m., I personally served:**

Laura Columbel, Commission Counsel, at 1102 Q Street, Suite 3050, 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 May 23, 2024.

A handwritten signature in blue ink, appearing to read 'Sasha Linker', written over a horizontal line.

Sasha Linker

**Exhibit A-5**

1 JAMES M. LINDSAY  
Chief of Enforcement  
2 LAURA COLUMBEL  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q St, Suite 3050  
4 Sacramento, CA 95811  
Telephone: (279) 237-5974  
5 Email: LColumbel@fppc.ca.gov

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. 23/211  
12 )  
13 MIGUEL MAGALLANES ) **ACCUSATION**  
14 )  
15 Respondents. ) (Gov. Code §11503)  
16 )  
17 )

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

20 **JURISDICTION**

21 1. Complainant is the Enforcement Division of the Fair Political Practices Commission (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 (g), 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 Failure to Timely File a 2020 Annual SEI

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

4 25. Magallanes, as a planning commissioner, had a duty under the Act to file a 2020 Annual  
5 SEI by the April 1, 2021.

6 26. Magallanes failed to timely file his 2020 Annual SEI by the April 1, 2021 due date.

7 27. By failing to file his 2020 Annual SEI by the April 1, 2021 deadline, Magallanes violated  
8 Government Code section 87203.

9 **Count 2**

10 Failure to Timely File a 2021 Annual SEI

11 28. Complainant incorporates paragraphs 1–25 of this Accusation, as though completely set  
12 forth herein.

13 29. Magallanes, as a planning commissioner, had a duty under the Act to file a 2021 Annual  
14 SEI by the April 1, 2021.

15 30. Magallanes failed to timely file his 2021 Annual SEI by the April 1, 2022 due date.

16 31. By failing to file his 2021 Annual SEI by the April 1, 2022 deadline, Magallanes violated  
17 Government Code section 87203.

18 **Count 3**

19 Failure to Timely File a 2022 Annual SEI

20 32. Complainant incorporates paragraphs 1–25 of this Accusation, as though completely set  
21 forth herein.

22 33. Magallanes, as a planning commissioner, had a duty under the Act to file a 2022 Annual  
23 SEI by the April 3, 2023.

24 34. Magallanes failed to timely file his 2022 Annual SEI by the April 3, 2023 due date.

25 35. By failing to file his 2022 Annual SEI by the April 3, 2023 deadline, Magallanes violated  
26 Government Code section 87203.

27 //

28 //

1 **MITIGATING OR EXCULPATORY FACTORS**

2 36. The Enforcement Division is not aware of mitigating or exculpatory factors.

3 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

4 37. Magallanes has been a planning commissioner since 2020 and knew, or should have  
5 known, of his filing obligations under the Act. To date, Magallanes has not filed outstanding SEIs.

6 **PRAYER**

7 WHEREFORE, Complainant prays as follows:

- 8 1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and  
9 Regulation 18361.5, and at such hearing find that Magallanes violated the Act as alleged  
10 herein;
- 11 2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
12 order Magallanes to pay a monetary penalty of up to \$5,000 for the violation of the Political  
13 Reform Act alleged in **Count 1**;
- 14 3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
15 order Magallanes to pay a monetary penalty of up to \$5,000 for the violation of the Political  
16 Reform Act alleged in **Count 2**;
- 17 4. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
18 order Magallanes to pay a monetary penalty of up to \$5,000 for the violation of the Political  
19 Reform Act alleged in **Count 3**;
- 20 5. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision  
21 (e), consider the following factors in framing a proposed order following a finding of a  
22 violation pursuant to Section 83116: (1) The extent and gravity of the public harm caused  
23 by the specific violation; (2) The level of experience of the violator with the requirements  
24 of the Political Reform Act; (3) Penalties previously imposed by the Commission in  
25 comparable cases; (4) The presence or absence of any intention to conceal, deceive or  
26 mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the  
27 violator demonstrated good faith by consulting the Commission staff or any other  
28 governmental agency in a manner not constituting complete defense under Government

1 Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern and  
2 whether the violator has a prior record of violations of the Political Reform Act or similar  
3 laws; and (8) Whether the violator, upon learning of a reporting violation, voluntarily filed  
4 amendments to provide full disclosure.

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

7  
8 Dated: 7/19/24

*James M. Lindsay*

James M. Lindsay, Chief of Enforcement  
Fair Political Practices Commission

**Exhibit A-6**

<i>Attorney or Party without Attorney:</i> <b>Angela Brereton</b> California Fair Political Commission 1102 Q St Ste 3000 Sacramento, CA 958116581 TELEPHONE No.: (916) 322-8185				<i>E-MAIL ADDRESS (Optional):</i>	<b>FOR COURT USE ONLY</b>	
<i>Attorney for:</i>		<i>Ref No. or File No.:</i> <b>Case no. 23/211</b>				
<i>Insert name of Court, and Judicial District and Branch Court:</i> <b>Fair Political Practices Commission -</b>						
<i>Plaintiff:</i> In The Matter of: <b>MIGUEL MAGALLANES</b> <i>Defendant:</i>						
<b>PROOF OF SERVICE</b>	HEARING DATE:	TIME:	DEPT.:	CASE NUMBER: <b>23/211</b>		

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION  
**I SERVED COPIES** OF THE FOLLOWING DOCUMENTS:

- 1. Statement to Respondent; 2. FPPC Case No. 23/211: Accusation; 3. Notice of Defense (Two Copies); 4. Packet of California Government Code Sections 11506 through 11508 5. Consent to Electronic Service Agreement.**

**PARTY SERVED: Miguel Magallanes**

**DATE & TIME OF DELIVERY: 7/24/2024  
 1:22 PM**

**ADDRESS, CITY, AND STATE:** [REDACTED]

**PHYSICAL DESCRIPTION:**    **Age: 30s**                      **Weight: 190**                      **Hair: Black**  
    **Sex: Male**                      **Height: 5'9"**  
    **Skin: Hispanic**                      **Marks:**

**MANNER OF SERVICE:**  
 Personal Service - By personally delivering copies.

★ Fee for Service: \$ 79.00  
 County: Ventura  
 Registration No.: 482  
 Amstar Express, Inc  
 509 Marin Street, # 237  
 Thousand Oaks, CA 91360  
 (888) 778-2711  
 Ref: Case no. 23/211

I declare under penalty of perjury under the laws of the  
 The State of California that the foregoing information  
 contained in the return of service and statement of  
 service fees is true and correct and that this declaration  
 was executed on July 25, 2024.

Signature:   
**Alexander Guzman**  
 (Signature - Per CC §1633.7)

**PROOF OF SERVICE**



**Exhibit A-7**

CITY OF FILLMORE

PLANNING COMMISSION

**AGENDA**



WEDNESDAY, AUGUST 21, 2024  
6:30 PM

COUNCIL CHAMBERS - CITY HALL  
(805) 524-3701 ♦ [www.fillmoreca.com](http://www.fillmoreca.com)

**WELCOME TO THE CITY OF FILLMORE PLANNING COMMISSION MEETING!** Your participation at this public meeting is valued and appreciated.

Agenda/Packet: The Agenda/Packet is available for review at Fillmore City Hall and online at [www.fillmoreca.com](http://www.fillmoreca.com) Friday prior to the scheduled Wednesday. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection at the Planning Department during regular business hours and on the City's website subject to staff's ability post the documents before the meeting.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the Planning Department at (805) 524-3701. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

Audible Devices: Please ensure all audible devices (pagers, telephones, etc.) are off or otherwise not audible when the Planning Commission is in session. Thank you.

Consent Calendar: Items listed on the Consent Calendar are considered to be routine in nature, not discussed individually, and are normally approved by one motion. If a Councilmember or member of the public wishes to comment on a particular item, that item shall be removed for separate action.

No New Business will be considered by the Planning Commission **after 11:00 p.m.** unless a majority of the legislative body determines to continue.

Public Input: If you wish to address the Planning Commission regarding an item listed **on this agenda**, please complete and submit an Audience Participation Form to the City Clerk prior to consideration of that agenda item. Public Comments is the time for presentations/comments **not on this agenda** but within the subject-matter jurisdiction of the Planning Commission. Please complete and submit an Audience Participation Form to the City Clerk prior to the beginning of Public Comments. Pursuant to California Government Code/Brown Act, the Planning Commission ordinarily cannot take action on any item that is not listed on the agenda. As a result, matters identified during Public Comment will be referred to staff for follow-up or considered on a future agenda. In accordance with Resolution No. 09-3175, speakers are provided five (5) minutes for items listed on the agenda and no more than five (5) minutes to speak during Public Comments.

**CITY OF FILLMORE  
PLANNING COMMISSION  
WEDNESDAY, AUGUST 21, 2024  
6:30 PM  
COUNCIL CHAMBERS - CITY HALL  
AGENDA**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL: CHAIR GARY CUSHING, VICE CHAIR JAYME LABER, AARON TODD, CAMERON CARRIZALES, MIGUEL MAGALLANES, COMMISSIONERS**

**4. ORAL COMMUNICATIONS**

This is the opportunity for citizen presentations or comments not related to agenda items, but within the responsibility of the Fillmore Planning Commission. Each speaker is limited to 5 minutes.

**5. CONSENT CALENDAR**

5.A MINUTES OF THE JUNE 19, 2024 REGULAR PLANNING COMMISSION MEETING  
[PC MINUTES JUNE 19, 2024.PDF](#)

**6. PUBLIC HEARINGS**

6.A CONSIDERATION OF A ONE-YEAR TIME EXTENSION FOR DEVELOPMENT PERMIT NO. 20-03 (INCLUDING DENSITY BONUS NO. 22-01, A LOT MERGER, AND LOT LINE ADJUSTMENT) AND A CEQA CATEGORICAL EXEMPTION

RECOMMENDATIONS

STAFF RECOMMENDS THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS:

1. ADOPT CEQA CATEGORICAL EXEMPTION FOR TIME EXTENSION TO DP 20-3 AND DB 22-01; AND
2. ADOPT PLANNING COMMISSION RESOLUTION 24-1049 (ATTACHMENT 4), APPROVING A TIME EXTENSION TO DP NO. 20-03, SUBJECT TO CONDITIONS OF APPROVAL (ATTACHMENT 3), WHICH EXTENDS DP 22-01 AND THE LOT MERGER AND LOT LINE ADJUSTMENT.

[SR - RIVERVIEW GARDENS - TIME EXT PC\\_2024-8-21.PDF](#)

[ATT 1\\_RIVERVIEW\\_LOCATION AND ZONING.PDF](#)

[ATT 2\\_RIVERVIEW\\_GARDENS\\_ARCHITECTURE.PDF](#)

[ATT 3\\_RIVERVIEW\\_CONDITIONS OF APPROVAL - DP EXTENSION.PDF](#)

[ATT 4\\_RIVERVIEW\\_PC RESO 1049\\_DP EXTENSION.PDF](#)

**7. BUSINESS ITEMS**

**8. REPORTS & COMMUNICATIONS**

8.A PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR

8.B PLANNING COMMISSION BRIEF REPORTS

**9. ADJOURNMENT**

9.A THE PLANNING COMMISSION ADJOURNS TO THE PLANNING COMMISSION REGULAR MEETING SCHEDULED FOR SEPTEMBER 18, 2024 AT 6:30 PM IN CITY COUNCIL CHAMBERS, 250 CENTRAL AVE, FILLMORE, CA 93015.

**Exhibit A-8**



STATEMENT OF ECONOMIC INTERESTS

Date Initial Filing Received JUN 10 2020



COVER PAGE

BY: EIT

A PUBLIC DOCUMENT

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)
Magallanes Miguel Angel

1. Office, Agency, or Court

Agency Name (Do not use acronyms)

City of Fillmore

Division, Board, Department, District, if applicable

Planing Commission

Your Position

Planing Commissioner

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

Agency: \_\_\_\_\_

Position: \_\_\_\_\_

RECEIVED FAIR POLITICAL PRACTICES COMMISSION 2020 AUG 20 11:10:33

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

- State, Multi-County, City of Fillmore, Judge, Retired Judge, Pro Tem Judge, or Court Commissioner (Statewide Jurisdiction), County of, Other

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

- Annual: The period covered is January 1, 2019, through December 31, 2019. -or- The period covered is 05/12/2020 through December 31, 2019. Assuming Office: Date assumed 05/12/2020. Leaving Office: Date Left. The period covered is January 1, 2019, through the date of leaving office. -or- The period covered is through the date of leaving office. Candidate: Date of Election and office sought, if different than Part 1:

4. Schedule Summary (must complete) Total number of pages including this cover page: 1

Schedules attached

- Schedule A-1 - Investments - schedule attached, Schedule A-2 - Investments - schedule attached, Schedule B - Real Property - schedule attached, Schedule C - Income, Loans, & Business Positions - schedule attached, Schedule D - Income - Gifts - schedule attached, Schedule E - Income - Gifts - Travel Payments - schedule attached

-or- [X] None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
250 Central Ave. Fillmore CA 93015
DAYTIME TELEPHONE NUMBER EMAIL ADDRESS
( 805 ) 415-0099 mmagallanes@fillmoreca.gov

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

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

Date Signed 06/10/2020 (month, day, year)

Signature Miguel A. Magallanes (File the originally signed paper statement with your filing official.)

**Exhibit A-9**





## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

June 25, 2021

Miguel Magallanes

250 Central Ave

Fillmore, CA 93015-1907

**Subject: Statement of Economic Interests - Notice of Non-Filing  
FIRST NON-FILER NOTIFICATION - 2020 Annual**

Dear Miguel Magallanes:

According to our records, your Statement of Economic Interests, Form 700 as Planning Commissioner for City of Fillmore which was due on April 1, 2021, has not been received. Please file immediately. The deadline cannot be extended.

Government Code Section 91013 imposes a \$10.00 per day fine up to a maximum of \$100.00 for the late filing of a Statement of Economic Interests. However, if you file your statement within 30 days of the date of this email/letter and provide an explanation for the late filing, all or part of the fine can be waived. State law prohibits the waiving of any portion of a fine if the statement is not filed within 30 days of this email/letter.

You are eligible to use the new eDisclosure system (hyperlink below) to complete and submit your Form 700 electronically.

**Please view a short 'How -to' video :**

<http://www.southtech-tutorials.com/eDisclosure/FilerDemo/tutorial.html>

**Then login to eDisclosure and file:**

**eDisclosure System:** <https://form700.fppc.ca.gov/>

**Your Login ID:**

**Password:**

**Existing Filers** (*have previously logged into the system*) - If you have previously logged into the system, you have created your own password. If you have forgotten your password, please use the "Forgot Password" feature on the eDisclosure home page.

**New Filers** (*have never logged into the system*) - If you are a new filer, please refer to your "Conflict of Interest eFile Account Creation" email previously sent to you which included a temporary password. Once you log into the system, you will need to create a new password and answer a security question. If you have deleted the email, please contact your Filing Official listed below and ask them to reset your password which you will receive by email.

or

The FPPC Website Link for the Statement of Economic Interests, Form 700 and instructions is



## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

<http://www.fppc.ca.gov/>. Please file your statement along with an explanation for the late filing to:

Fair Political Practices Commission  
1102 Q Street Suite 3000  
Sacramento, CA 95811

If you have any questions regarding this email, please contact me.

Sincerely,  
Sonia Rangel  
(916)323-6229  
Form700@fppc.ca.gov



## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

August 4, 2021  
Miguel Magallanes  
City of Fillmore  
250 Central Ave  
Fillmore, CA 93015-1907

### **Subject: Statement of Economic Interests - Statement Not Filed Within 30 Days of First Notice SECOND NON-FILER NOTIFICATION - 2020 Annual**

Dear Miguel Magallanes:

According to our records, on June 25, 2021, you were notified that we did not receive your Statement of Economic Interest, Form 700, as Planning Commissioner for City of Fillmore, which was due on April 1, 2021. We advised you to file your statement within 30 days. However, to date we have not received your statement.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10.00 per day, up to a maximum of \$100.00. Furthermore, the Fair Political Practices Commission prohibits the waiving of any portion of the liability if the statement is not filed within 30 days after the Fair Political Practices Commission sends you specific written notice of the filing requirement.

Therefore, your Statement of Economic Interests, Form 700 must be completed and returned along with your check or money order payable to the State of California or to pay by credit card <http://www.fppc.ca.gov/Form700/pay-late-fines.html>. in the amount of \$100.00 made payable to the State of California. Your case number is MiguelMagallanes.

Forms and instructions are available online at <http://www.fppc.ca.gov/>.

Please send Form 700 and check/money order to:

Fair Political Practices Commission  
1102 Q Street, Suite 3000  
Sacramento, CA 95811

**If we have not heard from you within 30 days from the date of this letter, this matter will be referred to the appropriate enforcement authority.** Please be advised that in addition to the late filing penalties by Section 91013, Government Code Section 83116 provides that a fine of up to \$5,000 per violation may be imposed. Payment of the late filing fine under Section 91013 does not preclude further enforcement action, including the imposition of the additional fine under Section 83116.

If you have any questions or need assistance regarding this letter, or obtaining appropriate forms, please contact Sonia Rangel at (916)323-6229.

**Exhibit A-10**



## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

June 30, 2022  
Miguel Magallanes  
250 Central Ave  
Fillmore, CA 93015-1907

### **Subject: Statement of Economic Interests - Notice of Non-Filing FIRST NON-FILER NOTIFICATION - 2021 Annual**

Dear Miguel Magallanes:

According to our records, your Statement of Economic Interests, Form 700 as Planning Commissioner for City of Fillmore which was due on **April 1, 2022**, has not been received. Please file immediately. The deadline cannot be extended.

Government Code Section 91013 imposes a \$10.00 per day fine up to a maximum of \$100.00 for the late filing of a Statement of Economic Interests. However, if you file your statement within 30 days of the date of this email/letter and provide an explanation for the late filing, all or part of the fine can be waived. State law prohibits the waiving of any portion of a fine if the statement is not filed within 30 days of this email/letter.

You are eligible to use the new eDisclosure system (hyperlink below) to complete and submit your Form 700 electronically.

**Please view a short 'How -to' video :**

<http://www.southtech-tutorials.com/eDisclosure/FilerDemo/tutorial.html>

**Then login to eDisclosure and file:**

**eDisclosure System:** <https://form700.fppc.ca.gov/>

**Your Login ID:** [REDACTED]

**Password:**

**Existing Filers** (*have previously logged into the system*) - If you have previously logged into the system, you have created your own password. If you have forgotten your password, please use the "Forgot Password" feature on the eDisclosure home page.

**New Filers** (*have never logged into the system*) - If you are a new filer, please refer to your "Conflict of Interest eFile Account Creation" email previously sent to you which included a temporary password. Once you log into the system, you will need to create a new password and answer a security question. If you have deleted the email, please contact your Filing Official listed below and ask them to reset your password which you will receive by email.

or

The FPPC Website Link for the Statement of Economic Interests, Form 700 and instructions is



## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

<http://www.fppc.ca.gov/>. Please file your statement along with an explanation for the late filing to:

Fair Political Practices Commission  
1102 Q Street Suite 3000  
Sacramento, CA 95811

If you have any questions regarding this email, please contact me.

Sincerely,  
Sonia Rangel  
(916)323-6229  
Form700@fppc.ca.gov



## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

August 4, 2022  
Miguel Magallanes  
City of Fillmore  
250 Central Ave  
Fillmore, CA 93015-1907

**Subject: Statement of Economic Interests - Statement Not Filed Within 30 Days of First Notice  
SECOND NON-FILER NOTIFICATION - 2021 Annual**

Dear Miguel Magallanes:

According to our records, on June 30, 2022, you were notified that we did not receive your Statement of Economic Interest, Form 700, as Planning Commissioner for City of Fillmore, which was due on **April 01, 2022**. We advised you to file your statement within 30 days. However, to date we have not received your statement.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10.00 per day, up to a maximum of \$100.00. Furthermore, the Fair Political Practices Commission prohibits the waiving of any portion of the liability if the statement is not filed within 30 days after the Fair Political Practices Commission sends you specific written notice of the filing requirement.

Therefore, your Statement of Economic Interests, Form 700 must be completed and returned along with your check or money order payable to the State of California or to pay by credit card <http://www.fppc.ca.gov/Form700/pay-late-fines.html>. in the amount of \$100.00 made payable to the State of California. Your case number is MiguelMagallanes.

Forms and instructions are available online at <http://www.fppc.ca.gov/>.

Please send Form 700 and check/money order to:

Fair Political Practices Commission  
1102 Q Street, Suite 3000  
Sacramento, CA 95811

**If we have not heard from you within 30 days from the date of this letter, this matter will be referred to the appropriate enforcement authority.** Please be advised that in addition to the late filing penalties by Section 91013, Government Code Section 83116 provides that a fine of up to \$5,000 per violation may be imposed. Payment of the late filing fine under Section 91013 does not preclude further enforcement action, including the imposition of the additional fine under Section 83116.

If you have any questions or need assistance regarding this letter, or obtaining appropriate forms, please contact Sonia Rangel at (916)323-6229.

**Exhibit A-11**





STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street, Suite 3050 • Sacramento, CA 95811

September 23, 2024

Miguel Magallanes  
[REDACTED]

**NOTICE OF DEFAULT DECISION AND ORDER**

**Re: FPPC No. 23/00211 In the Matter of Miguel Magallanes**

Dear Miguel Magallanes:

On July 24, 2024, you were personally served with an accusation in the above referenced matter. Pursuant to the Administrative Procedure Act, you were required to file a notice of defense within 15 days after service of the accusation to request an administrative hearing. You did not file a notice of defense. **As a result, you have waived your right to an administrative hearing.**<sup>1</sup>

The Fair Political Practices Commission (the “Commission”) will proceed with a default, decision and order (“default”) against you. The initial notice of this default will appear on the published agenda for the Commission’s public meeting on October 17, 2024. This agenda will be public and you could be contacted by the media with questions. The Commission will be asked to adopt the default at the subsequent public meeting on November 21, 2024 and impose an administrative penalty of \$12,000 against you.

Following the issuance of the default, the Commission will obtain a judgment in superior court for the amount owed and then take action to collect the judgment. Please be advised that administrative penalties for violations of the Political Reform Act cannot be discharged in bankruptcy proceedings.

You may still resolve this matter informally by way of a stipulated settlement if an agreement can be reached prior to this matter appearing for consideration by the Commission. Please contact me at (279) 237-5974 or [lcolumbel@fppc.ca.gov](mailto:lcolumbel@fppc.ca.gov) if you wish to enter into a settlement to resolve this matter in its entirety.

Sincerely,

Laura Columbel  
Commission Counsel  
Enforcement Division

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<sup>1</sup> Government Code section 11505.

**Exhibit A-12**



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street, Suite 3050 • Sacramento, CA 95811

October 24, 2024

Miguel Magallanes  
[REDACTED]

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

**Re: FPPC Case No. 23/00211; In the Matter of Miguel Magallanes**

Dear Miguel Magallanes:

On July 24, 2024, you were personally served with an accusation in the above referenced matter. Pursuant to the Administrative Procedure Act, you were required to file a notice of defense within 15 days after service of the accusation to request an administrative hearing. You did not file a notice of defense. **As a result, you have waived your right to an administrative hearing.**<sup>1</sup>

The Fair Political Practices Commission (the “Commission”) will proceed with a default, decision and order (“default”) against you. The initial notice of this default appeared on the published agenda for the Commission’s public meeting on October 17, 2024. The Commission will be asked to adopt the default at its public meeting scheduled for November 21, 2024 and impose an administrative penalty of \$12,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on November 21, 2024 is enclosed with this letter.

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

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

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<sup>1</sup> Government Code Section 11505.

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 November 21, 2024 meeting. Please contact me at (279) 237-5974 or [lcolumbel@fppc.ca.gov](mailto:lcolumbel@fppc.ca.gov) if you wish to enter into a negotiated settlement.

Sincerely,

Laura Columbel  
Commission Counsel  
Enforcement Division

*Enclosures: Default Decision and Order, Exhibit 1 and attachments*