



Enforcement Division Manual

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I. Purpose

The purpose of this Enforcement Division Manual is to describe the mission, resources, and basic practices of the Enforcement Division of the Fair Political Practices Commission in carrying out its duty to enforce the Political Reform Act of 1974. It is intended to provide basic information about the operation of the Enforcement Division. This manual is a living document that will be updated as necessary to reflect changes to the Enforcement Division operations, resources, and procedures.

II. Mission Statement

The mission of the Enforcement Division is to fairly, effectively, and efficiently enforce the provisions of the Political Reform Act.

III. Background on the Role of the Enforcement Division

The Political Reform Act of 1974 (the “Act”)¹ created the Fair Political Practices Commission (“FPPC”)² and charged it with, among other things, the duty to enforce the provisions of the Act. In adopting the Act, the voters declared that “(p)revious laws regulating political practices have suffered from inadequate enforcement by state and local authorities” and that “(a)dequate enforcement mechanisms should be provided to public officials and private citizens in order that this title will be vigorously enforced.” (Gov’t Code §§ 81001, subd. (h) and 81002 subd. (f).)

During the first few years of its existence, the FPPC staff focused their efforts on educating the public regarding the provisions of the Act and prosecuted only a few cases. Since then, the FPPC has strived to make enforcement of the Act a priority, while also having an entire division focused on public education. The Enforcement Division now handles thousands of complaints and cases every year.

The FPPC is required to investigate possible violations of the Act and, if violations occur, issue an order requiring a violator to do any of the following: cease and desist the violation; file delinquent statements or reports required by the Act; pay a monetary penalty. (Gov’t Code §§ 83115 and 83116.)

The Enforcement Division is responsible for conducting investigations on behalf of the FPPC and serves as the prosecuting attorney for suspected violations. Additionally, the Enforcement

¹ Gov’t Code § 81000 et seq.

² Throughout this manual “FPPC” refers to the agency as a whole, and the term “Commission” is used to refer collectively to the commissioners.

Division has statutory and contractual obligations to perform audits of state and local campaigns. (Gov't Code §§ 83123.5 and 90006.)

The Act, the FPPC regulations³, and the Administrative Procedures Act⁴ largely govern the Enforcement Division's administrative enforcement processes and procedures. Guidance from the Commission also informs the Enforcement Division policies and actions. But since the Commission sits as the adjudicator in enforcement cases, the Commission is not made aware of the facts in a specific case until it appears before the Commission, or is otherwise made public. The Commission necessarily exerts no specific authority over a case's investigation, preliminary enforcement determination, or settlement negotiations, which are conducted by the Enforcement Division staff but sets the general policy and priorities for the Enforcement Division to follow and implement.

IV. Enforcement of the Political Reform Act

a) Categories of Violations Under the Act

- Financial Reporting by Public Officials (Statements of Economic Interests)
- Conflicts-of-Interest for Public Officials (Gov't Code §§ 87100 and 1090)
- Gifts and Honoraria
- Post-Governmental Employment (state & local)
- Mass Mailings & Advertising Disclosure
- Campaign Finance and Reporting
- State Lobbying

b) Avenues for Enforcement

Numerous state and local agencies, as well as private citizens, can enforce the Act. Enforcement of the Act can occur through criminal, civil, or administrative proceedings. The FPPC primarily enforces the Act through administrative proceedings.

1. Criminal Enforcement

Violations of the Act can be prosecuted criminally as misdemeanors by a district attorney, a city attorney, or the State Attorney General. (Gov't Code §§ 91001 and 91001.5.) The Enforcement Division does not serve as a criminal enforcement agency. However, the FPPC does work cooperatively with all federal, state, and local law enforcement agencies to both make them aware of criminal activity and provide investigative and technical support to their criminal cases. The following types of cases result in an automatic notification of the appropriate law enforcement agencies by the Political Reform Consultants (PRCs) as a part of the intake process:

³ California Code of Regulations, title 2, division 6 ("CCR").

⁴ Gov't Code § 11370 et seq.

Government Code:			
§ 84300	Cash Contribution	§ 84307	Commingling of Campaign Funds
§ 84301	Laundering Source	§ 84308	Conflict of Interest
§ 84302	Laundering Intermediary	§ 87100	Conflict of Interest
§ 84304	Anonymous Contribution	§ 89001	Mass Mailings at Public Expense
§ 84305	Sender Identification	§ 89503	Gift Limits

2. Civil Enforcement

Violations of the Act can also be pursued through a civil action by a member of the public, or a government agency designated as the “civil prosecutor” with jurisdiction over the violation. (Gov’t Code § 91001, subd. (b).) The FPPC is the “civil prosecutor” for state officials and any state agency. The Attorney General is the civil prosecutor for the FPPC. Local district attorneys are the civil prosecutors for all other agencies within their respective jurisdictions. (Gov’t Code § 91001.)

The Enforcement Division can initiate a civil action against the state or a state agency in an enforcement action, with the consent of the Commission. Or, if the FPPC receives a 120-day demand from a member of the public under Gov’t Code § 91007, the FPPC must file a suit in the case or issue an order within 120 days from receipt of the written request for civil action, or the complainant may file a civil action in the matter.

Civil enforcement is generally only pursued by the FPPC in circumstances where the Act allows for greater penalties through a civil action, and a penalty in excess of that permitted for administrative prosecutions (i.e. \$5,000 per count) is warranted. The FPPC may also seek a civil injunction to enforce provisions, or compel compliance with the Act. (Gov’t Code §§ 90009 and 91003.)

3. Administrative Enforcement

The FPPC is solely responsible for administrative prosecutions of the Act. The FPPC resolves most of its cases through settlement and the administrative enforcement process. The administrative process is available for all violations of the Act, and can result in penalties of up to \$5,000 per violation. The primary focus of the Enforcement Division is the effective, timely prosecution of administrative enforcement cases. All personnel, processes, and efforts are utilized to support this focus.

The administrative process of the Enforcement Division is discussed in more detail below.

V. Staff

The Enforcement Division when fully staffed has a Chief, Assistant Chief, seven Commission Counsels, a Supervising Special Investigator, eight Special Investigators, an Intake Manager, three Political Reform Consultants, Supervising Management Auditor, three Program

Specialists, and five support staff. Retired annuitants, interns, and law clerks are a valuable addition whose numbers vary based on workload, funding, and school schedules.

a) **Roles and Responsibilities**

1. Chief

The Chief provides management, guidance, and supervision over all aspects of the Enforcement Division. Duties include:

- Review complaints to determine whether a violation of the Act has been alleged. Work with Political Reform Consultants to develop sufficient information to determine whether a full investigation should be initiated regarding complaints and referrals. And review and approve recommendations for complaints and referrals for investigation and prosecution.
- Review and approve recommendations for audit findings, either internal or from the Franchise Tax Board, for investigation and prosecution.
- Provide personnel supervision and management directly and indirectly over all Enforcement Division staff.
- Provide guidance and management over all cases and investigations.
- Review current procedures and processes to implement ways to increase efficiency, consistency, and overall effectiveness.
- Review all documents requiring the signature of the Executive Director, including subpoenas and requests for reconsideration.
- Represent the Enforcement Division at the Commission meetings and presentations to other agencies and associations.
- Develop the Training Plan for the Enforcement Division staff.
- Respond to media requests for information and other agency requests for cooperation or information.
- Work with Executive Staff to develop the FPPC policy.

2. Assistant Chief

This position is a working supervisor who handles complex cases, works with the Chief to implement the FPPC policy, and supervises Commission Counsels. Duties include:

- Provide supervision, management, and training for Commission Counsels including review of their work and management of their caseloads.
- Manage a caseload to determine whether violations of the Act have occurred, including making recommendations to the Chief regarding the appropriate disposition of the case.
- Work with special investigators to devise and implement an investigative plan then review testimonial and documentary evidence gathered to formulate a resolution recommendation.
- Make and defend against all appropriate motions that arise in the ordinary course of litigation. Appear in all of the courts of record in this state to prosecute actions on behalf of the FPPC.
- Consult with the Chief to review current procedures and processes to implement ways to increase efficiency, consistency, and overall effectiveness.

- Represent the Enforcement Division at some Commission meetings and presentations to other agencies and associations.
- In coordination and consultation with the Chief, act as liaison to the General Counsel regarding the Enforcement Division's regulatory and legislative needs.
- Assist in developing the Training Plan for the Enforcement Division staff.
- Respond to media requests for information and other agency requests for cooperation or information.
- Facilitate disputes regarding the application of the California Public Records Act.
- Coordinate and oversee the Enforcement Division law clerk program.
- Act for the Chief in his or her absence.

3. Commission Counsel IV

This position is reserved for the most senior attorney, who handles the most complex cases and provides advice to other Commission Counsels. Duties include:

- Manage a caseload to determine whether violations of the Act have occurred, including making recommendations to the Chief regarding the appropriate disposition of the case for some of the most complex and highly publicized cases that involve difficult issues of proof and complex statutory and regulatory legal issues.
- Work with special investigators to devise and implement an investigative plan then review testimonial and documentary evidence gathered to formulate a resolution recommendation.
- Prosecute cases including making and defending against all appropriate motions that arise in the ordinary course of litigation. Appear in all of the courts of record in this state to prosecute actions on behalf of the FPPC.
- In a lead capacity, review work of Commission Counsels and mentors less experienced and/or knowledgeable staff regarding all aspects of prosecuting a case.
- Assist in the training of the Enforcement Division staff.
- Initiate and complete special projects for the advancement of the goals of the Enforcement Division and the FPPC.
- Acts for the Chief and the Assistant Chief for the Enforcement Division in their absence.

4. Senior Commission Counsel

Senior Commission Counsels are experienced Commission Counsels responsible for directing the course of their cases from initial assignment through resolution, and for supporting other Commission Counsels. Duties include:

- Manage a caseload to determine whether violations of the Act have occurred, including making recommendations to the Chief regarding the appropriate disposition of the case.
- Work with special investigators to devise and implement an investigative plan then review testimonial and documentary evidence gathered to formulate a resolution recommendation.
- Prosecute cases including making and defending against all appropriate motions that arise in the ordinary course of litigation. Appear in all of the courts of record in this state to prosecute actions on behalf of the FPPC.

- Mentor the Enforcement Division staff.
- Assist in the training of the Enforcement Division staff.
- Initiates and completes special projects for the advancement of the goals of the Enforcement Division and the FPPC.
- On occasion, review complaints to determine whether to recommend that a full investigation should be initiated.

5. Commission Counsel

Commission Counsels are responsible for directing the course of their cases from initial assignment through resolution. Duties include:

- Manage a caseload to determine whether violations of the Act have occurred, including making recommendations to the Chief regarding the appropriate disposition of the case.
- Work with special investigators to devise and implement an investigative plan then review testimonial and documentary evidence gathered to formulate a resolution recommendation.
- Prosecute cases including making and defending against all appropriate motions that arise in the ordinary course of litigation. Appear in all of the courts of record in this state to prosecute actions on behalf of the FPPC.
- Assist in the training of the Enforcement Division staff.
- Initiates and completes special projects for the advancement of the goals of the Enforcement Division and the FPPC.
- On occasion, review complaints to determine whether to recommend that a full investigation should be initiated.
- Review and segregate closed investigative files for disclosure to the public under the California Public Records Act.

6. Supervising Special Investigator

The Supervising Special Investigator is an experienced investigator who is responsible for providing management and case investigative guidance to all Enforcement Division Special Investigators. Duties include:

- Manage and monitor the progress of the investigation of allegations of suspected violations of the Act through direct supervision of the activities of the Special Investigators.
- Assist the Chief in creating, coordinating, and implementing the Enforcement Division policies. Specifically creates and implements a continuous training program for investigators.
- Direct others, including the Analyst, Investigative Support, to manage and train the Enforcement Division intern program as well as the proactive identification of violations programs.
- Establish and maintain cooperative relationships with federal, state, and local officials and agencies.
- Supervise and manage staff resources and personnel matters of the Special Investigators.
- Assist in establishing uniform standards for investigations and investigative reports.

- Ensure staff performs investigations consistent with high standards and specific training/experience on investigative techniques.
- Assign Special Investigators to cases.

7. Senior Special Investigator

Senior Special Investigators work closely with assigned attorneys to provide evidentiary support to complaint allegations referred for complex investigation. This includes:

- Analyze and evaluate facts, statements, and other evidence obtained from investigations which relate to possible violations of the Act in accordance with an investigative plan formulated in conjunction with the assigned Commission Counsel.
- Gather, analyze, and report on testimonial and documentary evidence obtained. Articulate and present a summary of findings to the Commission Counsel and Supervising Special Investigator.
- Prepare and issue subpoenas for records and appearance after approval from the Commission Counsel.
- Obtain, analyze, and evaluate public documents filed with the Secretary of State, FPPC, and other state and local agencies.
- Establish and maintain cooperative relationships with federal, state, local officials and agencies and provide advice and input regarding investigations of violations of the Act.
- Serve legal papers, subpoenas, and other legal documents. Appear as a witness at civil or administrative proceedings.
- Assist in the recruitment, training, work, and performance evaluations of investigative interns.
- Mentor the Enforcement Division staff.
- Assist in the training of the Enforcement Division staff.
- Initiate and complete special projects for the advancement of the goals of the Enforcement Division and the FPPC.

8. Special Investigator

Special Investigators work closely with assigned attorneys to provide evidentiary support to complaint allegations referred for investigation. This includes:

- Analyze and evaluate facts, statements, and other evidence obtained from investigations which relate to possible violations of the Act in accordance with an investigative plan formulated in conjunction with the assigned Commission Counsel.
- Gather, analyze, and report on testimonial and documentary evidence obtained. Articulate and present a summary of findings to the Commission Counsel and Supervising Special Investigator.
- Prepare and issue subpoenas for records and appearance after approval from the Commission Counsel.
- Obtain, analyze, and evaluate public documents filed with the Secretary of State, FPPC, and other state and local agencies.
- Establish and maintain cooperative relationships with federal, state, local officials and agencies.

- Serve legal papers, subpoenas, and other legal documents. Appear as a witness at civil or administrative proceedings.
- Assist the Supervising Special Investigator in the training of new Special Investigators.
- Support special projects as assigned by the Supervising Special Investigator.

9. Political Reform Consultant (PRC)

PRCs are the main public point of contact for the Enforcement Division and provide expertise in the Act. Duties include:

- Review complaints and referrals upon receipt, demands for civil action, and supporting evidence, to determine whether violations of the Act likely occurred and to recommend to the Chief how the Enforcement Division should respond.
- Perform preliminary information gathering on complaints, where appropriate, under the direction of the Chief.
- Under the direction of the Chief, write closure letters and streamline settlement offers to provide violators an opportunity to resolve their violations through a streamline stipulated resolution.
- Respond orally to complainants, alleged violators, and other law enforcement agencies regarding inquiries about whether a violation likely occurred, what information would be needed to evaluate a complaint, and the basis for the resolution of specific complaints.
- Confer with staff regarding questions and problems pertaining to the application of provisions of the Act to specific factual situations.

10. Intake Manager

The Intake Manager is a working PRC who also directly supervises the PRCs, the intake process, and the Analyst – SEI and CPRA Coordinator. The Intake Manager has all the duties listed above, but additional duties include:

- Prepare the schedule for PRC complaint intake coverage.
- Respond to questions from PRCs/Analyst and interns regarding the process and review of complaints.
- Review standard intake letter for consistency.

11. Program Specialist

The Program Specialists are the auditors and campaign reporting specialists for the Enforcement Division. Their workload includes:

- Perform audits independently and as a team member on audits and projects for both, mandatory and discretionary audits.
- Perform investigations in complex campaign and reporting cases. Analyze and evaluate facts, statements, and other evidence obtained from investigations which relate to possible violations of the Act in accordance with an investigative plan formulated in conjunction with the assigned Commission Counsel.
- Perform selection and draw of committees and lobbyists for inclusion in a list of Franchise Tax Board (“FTB”) mandatory audits.
- Complete special projects assigned by the Chief.

- Serve as technical specialists on accounting and auditing issues and policy.
- Secure documentary evidence, including draft and serve subpoenas.
- Provide recommendations to Commission Counsels on case resolutions.
- Provide investigative and case support on other Enforcement Division cases.

12. Supervising Management Auditor

The Supervising Manager Auditor is a working Program Specialist who also directly supervises the Program Specialists and the audit process. The Supervising Management Auditor has all the duties listed above, but additional duties include:

- Plan, direct, and manage the duties and work of the Program Specialists.
- Supervise the investigations performed by the Program Specialists.
- Update and maintain the Audit Manual and Desk Manuals for the Program Specialist positions.
- Create and maintain training programs as well as identify and submit for approval continuing education for the Program Specialists.
- Review of FTB audit reports and make recommendations to the Chief regarding resolution.
- Identify and select audits, including assigning and managing audit case load.
- In coordination with the Chief, provide guidance and assistance to the FTB Political Reform Audit Program and other local, state, and federal enforcement programs, in administering their requirements under the Act.
- Implement and review of the audit program.

13. Analyst – Legal Support

The Analyst – Legal Support provides support to the entire Enforcement Division with the following specific duties:

- Provide research and analytical support to the Chief and Commission Counsels.
- Draft documents at the direction and under the supervision of Commission Counsels.
- Organize and maintain the Enforcement Division’s prior cases chart and archive.
- Perform, organize, and catalog legal research.
- Coordinate and process non-filer and annual fee referrals for possible streamline stipulated settlements, closure, or transfer to the Enforcement Division’s attorney.
- Under the direction of the Chief, write closure letters and streamline settlement offers to provide violators an opportunity to resolve their violations through a streamline stipulated resolution.
- Provide support to the Enforcement Division’s attorneys, including evidentiary and documentary matters such as exhibits for default cases, discovery productions, and administrative hearings.
- Provide administrative support, including proofreading and fact and citation checking.
- Complete special projects.
- Update and maintain the Enforcement Division Manual.

14. Analyst – Investigative Support

The Analyst – Investigative Support provides support to the entire Enforcement Division, but specifically the Special Investigators, with the following duties:

- Support and assist Special Investigators in completing their assigned investigations, including assisting with travel and timekeeping.
- Create spreadsheets and timelines from available data.
- Assist in locating and interviewing witnesses and persons suspected of violations.
- Manage and implement the financial records translation software for the Enforcement Division staff.
- Manage the tracking and issuance of administrative subpoenas and other legal documents, as well as the hiring and billing of process servers and occasional service of subpoenas.
- Assist to coordinate with other state and local agencies on the Enforcement Division matters.
- Communicate with the Secretary of State's office, clerks, and filing officers to obtain records and campaign statements.
- Coordinate the recruitment, training, work, and performance evaluations of investigative interns.

15. Analyst – Chief Aide and Agenda Coordinator

The Analyst – Chief Aide and Agenda Coordinator provides support to the entire Enforcement Division to produce the Commission agenda each month, but specifically the Chief, with the following duties:

- Support and assist the Chief, including providing research and analysis and case tracking reports.
- Analyze and evaluate data to create spreadsheets and timelines.
- Facilitate the production of the agenda by gathering all items from staff, organizing the information, and checking for errors.
- Develop and prepare of a variety of routine and specialized reports.
- Assist in processing media requests for documents.
- Administer the administrative termination program.

16. Analyst – SEI and CPRA Coordinator

The Analyst – SEI and CPRA Coordinator provides support to the entire Enforcement Division, but specifically assists the PRCs, and has the following duties:

- Support and assist the PRCs, including providing research and analysis, contacting clerks, the Secretary of State's office, and filing officers, and assisting with leaving office SEI cases.
- Analyze and evaluate data to create spreadsheets and timelines.
- Develop and prepare of a variety of routine and specialized reports.
- Coordinate and process requests for documents submitted under the California Public Records Act.
- Analyze all complaints received by the Enforcement Division and identify key information for entry into the database system.
- Collect and process stipulations and checks.
- Post closure letters onto the FPPC's website and maintain the Enforcement Division's page.
- File Clerk's Judgment for default collection under the direction of the Assistant Chief.

17. Support Staff – MST/OT

The Support Staff – MST/OT provides support to the entire Enforcement Division and has the following duties:

- Conduct final review, preparation, and processing of the Enforcement Division case closures.
- Organize and maintain the Enforcement Division’s timesheets and mail.
- Assist with the FPPC’s committee and lobbyist audit draws.
- Redact and upload documents to the FPPC’s website.
- Manage records kept at the State Records Center and in on-site file room.
- Provide administrative support.

b) Teams

Prosecution of cases is handled by three “teams” (Team A, B, and C) of Commission Counsels, Special Investigators, PRCs, and Program Specialists. Teams are established as follows:

<u>Team A</u>	<u>Team B</u>	<u>Team C</u>
Com. Counsel IV	Senior Com. Counsel	Asst. Chief
Com. Counsel	Senior Com. Counsel	Com. Counsel
Senior Special Investigator	Com. Counsel	Com. Counsel
Special Investigator	Senior Special Investigator	Senior Special Investigator
Program Specialist	Special Investigator	Special Investigator
Program Spec/Sup Mgmt Auditor	Special Investigator	Special Investigator
PRC	Program Specialist	Program Specialist
PRC	PRC	PRC/Intake Manager

Teams meet regularly for team case reviews to discuss investigations plans and timeframes as well as investigation and prosecution progress.

The purpose of the team structure is to:

- Facilitate mentorship on case investigation and prosecution between more senior and junior staff.
- Increase input and suggestions on case investigation and prosecution.
- Expose staff to a greater number of cases and how they are handled.
- Utilize the expertise and skills of the PRCs and Program Specialists in case investigation and prosecution.

c) Training

The Enforcement Division staff develop and present training courses for new and existing staff. Training topics include substantive law, skill development, and internal systems and procedures. Trainings are offered when new employees start, and on an as needed basis throughout the year. Enforcement Division staff are encouraged to suggest and create new

trainings. Materials developed for trainings, as well as other written training materials, are available on the Enforcement Division shared drive at I:\TRAINING and ORIENTATION. Enforcement Division staff also attend trainings conducted by other FPPC employees, and outside sources such as other agencies and private parties.

To provide mentoring and on-the-job training, new and junior staff are assigned one or more senior staff to act as mentors. Senior staff are expected to take time to provide advice and assistance to junior staff, and junior staff are expected to seek out guidance when necessary. Also, staff who have developed significant skill or knowledge are expected to share their knowledge and expertise with other staff.

Each staff is encouraged to build a broad base of knowledge regarding the various subject areas within the Act, as well as become experts in a few specific areas of the law.

VI. Intake Process

The intake process is the first step in the enforcement process. All complaints and referrals go through the intake process. Each item and the evidence provided or gathered is evaluated, and intake staff make a recommendation to the Chief whether to open a case for investigation and/or prosecution, or reject the complaint.

a) Complaints and Referrals

1. Receipt

The intake function for the FPPC is handled by the Political Reform Consultants (PRCs) and their Intake Manager under the direction of the Chief. They process all of the complaints from the public and referrals from other agencies. Each complaint filed with the FPPC is reviewed for the validity of the alleged violations by the intake unit who provides notice to complainants and respondents as required by statute and regulation, as discussed in more detail below.

2. Evaluation

For each complaint and referral, PRCs evaluate: whether the FPPC has jurisdiction over the alleged violation, the evidence of the allegation – both what is provided and what is needed to make a further determination, the seriousness of the alleged violation, the existence of prior related enforcement matters, the Act's statute of limitations, and any relevant Legal Division advice. This evaluation requires a detailed analysis of facts provided by complainants and the application of interpretations of the Act to the complainant's information.

3. Recommendation

After each evaluation, at the direction of the Chief, the PRC prepares a confidential memo with a recommended course of action for the review and approval of the Chief. Complaints

with allegations that contain sufficient facts or information to pursue an investigation within the FPPC's jurisdiction are opened into cases to be resolved. Complaints that do not allege violations of the Act, or lack an evidentiary basis for finding a violation of the Act, are rejected. PRCs prepare all required letters and forms upon the opening of a case or rejection of a complaint.

4. Letter of inquiry

Some complaints have an allegation but without enough supporting evidence to make a determination. In those cases, the PRC will generally submit a memo asking to send a letter of inquiry to the respondent to obtain vital information or contact the complainant for additional evidence and information.

5. Case opened

The case has been opened because the initial review identifies sufficient evidence to merit further investigation. Each case opened either requires an investigation or audit or does not. For the ones that do not require additional information to be gathered or analyzed, the case will either remain with the intake unit to pursue resolution with the respondent (typically cases involving minor filing violations) or is assigned to a Commission Counsel for resolution. If more information or analysis is required to resolve the matter, the case will be assigned to a Commission Counsel along with a Special Investigator or Program Specialist for investigation and resolution.

b) Cases

The sources of cases are varied. Since the Act mandates that the Enforcement Division investigate possible violations of the Act upon the sworn complaint or on its own initiative, and states that previous laws were not adequately enforced so the Act should be vigorously enforced, the Enforcement Division evaluates and pursues violations no matter the source of the information. (Gov't Code §§ 81001, subd. (h), 81002, subd. (f), 83115, 90003.)

1. Sources of Cases

- Complaints (sworn, non-sworn or anonymous)
- Referrals from the FPPC SEI Unit and filing officers
- Audits and audit referrals
- Media reports
- Staff-initiated investigations
- Tips
- Referrals from law enforcement or other agencies

2. Filing Complaints

Members of the public can file complaints with the FPPC through the Electronic Complaint System (ECS) on the FPPC website at <http://www.fppc.ca.gov/enforcement/electronic->

[complaint-system.html](#). Complaints filed using the ECS are received electronically by the Enforcement Division through its internal case management system. Anyone who files a complaint receives an email confirming receipt of the complaint if they provide a return email address. If they file a sworn complaint, they receive notifications regarding the complaint as required by statute.

3. Sworn Complaints

Sworn complaints are signed under penalty of perjury, and the filer is entitled to notifications under the Act. (Gov't Code § 83115.) A sworn complainant is entitled to notice regarding what course of action the Enforcement Division plans to take regarding the complaint and the resolution. Pursuant to CCR § 18360 subd. (a), to file a sworn complaint, the complainant must:

- File the complaint with the Enforcement Division on a form made available by the FPPC.
- Identify the person(s) who allegedly violated the Act and, if known, the specific provision(s) of the Act allegedly violated.
- Describe the facts constituting each alleged violation.
- State the facts that support the complainant's belief that a person has violated the Act and include any documents or other evidence supporting this conclusion.
- Include or describe evidence or means of obtaining evidence in support of the complaint.
- Include names and addresses of potential witnesses, if known.
- Sign (or electronically verify) the complaint under penalty of perjury.

After receipt of a sworn complaint, the Enforcement Division provides each respondent with a copy of the complaint within three business days. (CCR § 18360 subd. (b).) Within 14 calendar days, the Enforcement Division is required to notify the complainant(s) and respondent(s) of the action, if any, the FPPC has taken or plans to take on the complaint. (Gov't Code § 83115 and CCR § 18360 (c) and (e).)

In response to the complaint, the Enforcement Division may:

- Open a case to further investigate the allegations.
- Refer the complaint to another governmental agency.
- Take no action (actions not governed by the Act, insufficient or no evidence of a violation).
- Take additional time to investigate the complaint and then provide the complainant with subsequent notice. (CCR § 18360 subd. (c).)

A sworn complainant who disagrees with the response by the Enforcement Division may submit a written request for reconsideration to the Executive Director within 20 days. The Executive Director may deny the request or, based on good cause, direct the Chief to take specified action. (CCR § 18360 subd. (d).)

The Enforcement Division sends a notice of resolution to each complainant who filed a sworn complaint when a case is resolved. (CCR § 18360 subd. (h).)

4. Other Complaints

All complaints that do not meet the criteria for sworn complaints as specified in Gov't Code § 83115 and CCR § 18360 subd. (a) are classified as non-sworn complaints, anonymous complaints, or Commission-initiated complaints.

Cases that do not result from a sworn complaint are opened on the initiative of the Enforcement Division. (Gov't Code § 83115.) The intake unit may send a letter of inquiry to the respondent(s) to gather additional information to determine whether to open a case. After a case is opened, the intake unit will notify the respondent(s) about the investigation and provide them with a copy of any document submitted to the Enforcement Division. (CCR § 18360 subd. (f).)

5. Notice Exception

Although the majority of complaints and cases follow the format listed above, in some instances the Chief determines that disclosing information would jeopardize the investigation, or if the information is privileged, private or confidential, then the Enforcement Division may withhold any document, the identity of any person providing information, or the notice and existence of an investigation. (CCR § 18360.)

6. Confidential Informants/Witnesses/Complainants

As a matter of policy, the Chief may grant a witness confidential informant status. This is granted in cases where the revelation of the witness's identity would either compromise the investigation or subject the complainant to retaliation. This is rarely granted, particularly as there is no specific statute or regulation applicable to this status, and there is no guarantee that the confidential informant's identity could be withheld under the California Public Records Act. If a person asks to be kept confidential, the staff member will refer the matter to the Chief, who will assign a Commission Counsel to weigh the necessity of the request as well as the likelihood that a judge would support maintaining confidentiality of the witness's identity. Then, the Chief, generally in consultation with the Executive Director, will make a decision based on those criteria and communicate the decision to the requestor.

c) Media and public inquiries

In order to create consistent handling of public and media inquiries, the Enforcement Division proposed including in the complaint regulation details regarding when information is available for release. This regulation, an amendment to CCR § 18360, went into effect in January 2016. CCR § 18360, subd. (g), states that the FPPC may confirm receiving a sworn complaint at any time but will not provide a copy of the complaint until five calendar days after a copy of the complaint is sent to the respondent(s). The FPPC staff do not disclose any action the Enforcement Division intends to take on a sworn complaint, other than no action, before

sending the required notice to the complainant. The purpose of this regulation is to give respondent(s) an opportunity to review the allegations before the complaint is provided to other parties, including the media. The intake unit may gather supporting evidence to make a determination on how to proceed during this five-day period.

In all cases other than sworn complaints, the FPPC may confirm sending a letter of inquiry and may provide a copy of the letter and any documents submitted to the Enforcement Division five calendar days after sending the letter of inquiry. The FPPC may confirm opening a case on its own initiative and provide a copy of the notice sent to the respondent(s) five calendar days after sending the notice.

The FPPC will confirm receiving a referral from a filing officer upon receipt and will provide a copy of the referral upon request.

VII. Investigations

The Act requires the FPPC to investigate possible violations of the Act relating to any agency, official, election, lobbyist or legislative or administrative action, and permits investigations with respect to any reports or statements required by the Act. (Gov't Code §§ 83115 and 90003.) The Enforcement Division Special Investigators and Program Specialists, working in conjunction with the Commission Counsels, are responsible for conducting the FPPC's investigations.

a) Process

Prior to starting an investigation, the staff assigned to a case meet (typically within two weeks of a case opening) to review the case and develop an investigation plan. The plan is reviewed and discussed at the next team case review. An investigation plan includes a breakdown of each of the elements of the alleged violations, and the specific pieces of evidence that need to be acquired to prove or disprove these elements, along with the potential sources of this evidence and a timeline for acquiring the evidence and completion of the investigation.

Special Investigators obtain evidence through document requests, subpoenas, interviews, public records searches, proprietary database searches, internet searches, and various other means. Upon reviewing and analyzing evidence collected, Special Investigators prepare reports summarizing and documenting the evidence.

At the end of an investigation, the Special Investigator prepares a summary report documenting all relevant evidence obtained during the investigation. Summary reports are reviewed and approved by the Supervising Special Investigator and Commission Counsel assigned to the case.

b) Duration

Each investigation presents a unique set of facts, witnesses, and other issues that impact the speed at which an investigation can be completed. Investigations generally continue until the elements of a suspected violation outlined in the investigation plan can be proven or disproven, except in instances where the Chief determines continuing an investigation is not a good use of resources.

c) Scope

Investigations initially focus on specific suspected violations such as those alleged in a complaint and detailed in the investigation plan. But the Enforcement Division staff should expand the scope of an investigation if there is a reasonable likelihood that other or additional violations occurred, such as more recent filings also not filed or financial records show suspicious activity inconsistent with what is reported. (Gov't Code § 83115.) Scope is discussed at case review meetings and meetings with the Supervising Special Investigator.

d) Subpoenas

The FPPC is authorized to issue administrative subpoenas for personal appearance and production of records. (Gov't Code §§ 11181 and 83118.) But the Enforcement Division staff must make reasonable efforts to obtain information on a voluntary basis prior to the issuance of an administrative subpoena, except in those instances where the Executive Director determines seeking voluntary compliance could negatively impact the investigation. (CCR § 18361.1.) Subpoenas are prepared by Special Investigators or Program Specialists, reviewed by Commission Counsels and the Chief, and issued by the Executive Director. The Executive Director will only approve and sign a subpoena if the records sought by subpoena are material to the matter, and it is reasonable to believe the subpoenaed party possesses the records. (CCR § 18361.7.)

e) Inter-agency Cooperation

Enforcement Division staff work in cooperation with law enforcement and other government agencies to conduct joint investigations and assist other agencies. This type of inter-agency cooperation can be useful in cases involving alleged violations of state and local campaign laws, as well as instances where one agency has specialized knowledge or expertise.

VIII. Case Resolution

This section details the ways in which an enforcement case can be resolved and provides a general overview of the processes. A flow chart detailing the basic case resolution can be found at the end of this manual.

a) Types of Case Resolutions

1. **No Action closure letter** – If there is insufficient evidence to prosecute a case, and no further information would be helpful or informative.
2. **Advisory letter** – If there is insufficient evidence to prosecute a case, but the person complained about appears to need information about the Act to ensure future compliance.
3. **Warning letter** – If a violation of the Act is found, but the seriousness of the offense is low, public harm is minimal, or other mitigation is found so that a monetary fine is not warranted.
4. **Stipulation, decision and order** – Negotiated settlement with the respondent. Settlements are either streamline or mainline.
5. **Default judgment** – Respondent does not participate in settlement or administrative hearing process.
6. **Administrative Law Judge Decision** – The decision is issued after an administrative hearing conducted pursuant to the Administrative Procedures Act. The decision must be approved by the Commission before being final.
7. **Civil action** – Judgment issued by a superior court.

b) Closure Letters

In cases where staff concludes a no action closure letter, advisory letter, or warning letter is the appropriate resolution, staff drafts a closure memo and proposed letter and submits it for approval to the Chief. If approved, the letter is sent to the respondent with a copy to any complainants or referring agencies. Since a warning letter concludes the respondent violated the Act, a respondent may reject a warning letter within 10 days of it being sent and proceed with an administrative hearing. The Enforcement Division does not consider a warning letter a prior violation by the respondent for purposes of determining proposed fines in subsequent cases involving the same respondent or qualification for the streamline program.

c) Streamline Cases

In the interest of maximizing the Enforcement Division resources, a streamline process has been developed for the following types of cases:

- Statement of Economic Interest (SEI) non-filers/SEI non-reporters
- Campaign statement and report non-filers and non-reporters
- Lobbying report non-filers

The streamline process takes cases involving less serious violations that can be handled effectively with the use of templates and form letters. The PRCs are responsible for the handling of most streamlined cases until the probable cause stage, then a Commission Counsel is assigned. Some streamline cases are handled by Commission Counsels if an investigation has been completed, and the information gathered indicates that the respondent qualifies for the streamline program. Fillable pdf versions of the streamlined stipulations can be found in the INTAKE folder on the I drive.

The criteria for qualifying for streamline penalty and the method of determining the penalty to be assessed are contained in the streamline programs memorandum approved by the Commission at its May 2015 meeting. See <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2015/May/Streamline%20memo%20-%20205-11-15.pdf> for the streamline memo.

d) Cases Resolution After Investigation

Upon completion of an investigation, the Commission Counsel is responsible for analyzing and proposing a resolution to the case. Here is the typical process employed to resolve a case:

1. **Review Investigation Summary:** Review the evidence collected to ensure sufficient efforts were made to obtain evidence to prove or disprove each of the elements of the charged violations of the Act.
2. **Evaluate Evidence:** Determine whether a case has sufficient evidence to support prosecution. If there is insufficient evidence to support prosecution, the Commission Counsel prepares an advisory letter or closure letter for review and approval by the Chief.
3. **Evaluate Public Harm:** The public harm caused by the violation is determined by examining, amongst other factors, the seriousness of the violation, whether the respondent attempted to conceal the violation, whether there was a pattern of violations, previous cases and penalties, whether the violations were inadvertent, negligent, or deliberate, and the presence or absence of good faith. (Gov't Code § 91001, subd. (c); CCR § 18361.5, subd. (d).) If the public harm is low, a warning letter may be issued to resolve the case.
4. **Request for Settlement:** Settlement, as opposed to the full administrative or civil process or default decision, is the FPPC's preferred method for resolving most cases involving violations of the Act. If a case merits a fine, the Commission Counsel prepares a Request for Settlement Authority (RSA) for review and approval by the Chief. The RSA provides a summary of the facts and violations of the case, and a proposed penalty based on the public harm caused by the violations, recent penalties imposed by the FPPC for similar violations, and any other relevant aggravating or mitigating factors.
5. **Settlement Offer:** The Enforcement Division usually attempts to reach a proposed stipulated settlement with a respondent prior to initiating an administrative action. Settlements typically conserve public and private resources, take less time to resolve a case, and result in greater public disclosure.

The Enforcement Division staff assigned to a case prepares a proposed stipulation, decision and order ("stipulation") and presents it to the respondent. Language in the stipulation may be negotiated, but the stipulation must be factually accurate and include an admission of liability by the respondent. Also, as a condition of

settlement, in most cases, the respondent must file delinquent statements and reports to disclose information to the public not previously disclosed. Staff then works with respondent, or respondent's attorney, to reach a mutually agreeable result.

Proposed stipulations are presented to the Commission at a public meeting. The Commissioners may discuss the matter with the Chief, and if present, the respondent. If the respondent is not present, the Chief is limited to discussing only the facts and law presented in the stipulated agreement as well as other public information so as not to engage in ex parte communications regarding the settlement. If the Commission approves a proposed settlement, a Commission order is issued and the case is resolved. If not, the case returns to the Enforcement Division, typically with guidance from the Commission as to how the Enforcement Division should proceed with the case.

6. **Probable Cause:** If the parties cannot reach a settlement, the Commission Counsel initiates the administrative hearing process by preparing and serving a probable cause report ("PC Report") on the respondent. The PC Report contains a summary of the applicable law and relevant evidence gathered during the investigation, including any exculpatory or mitigating information. (Gov't Code § 83115.5 and CCR § 18361.4.)

After service of the PC Report via certified mail or personal service, the respondent has 21 days to request a probable cause conference, provide a written response to the PC report, or request discovery. (CCR § 18361.4.) If respondent requests discovery, respondent has 21 days from the date the discovery is served to submit a written response.

If respondent does not respond to a PC Report within 21 days of service of the PC Report, the Commission Counsel will make an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation be Prepared and Served ("Ex Parte Request") to the FPPC Legal Division hearing officer. Along with the Ex Parte Request, the Commission Counsel prepares and submits a proposed Finding of Probable Cause and Order to Prepare and Serve an Accusation for the hearing officer's signature. A copy of these documents is mailed to the respondent at the time they are submitted to the hearing officer.

If the respondent requests a probable cause conference, the Commission Assistant is responsible for contacting all parties and scheduling the conference as soon as practicable. Typically, a PC conference should take place within 30 days of respondent requesting the conference. An attorney from the FPPC's Legal Division typically serves as a neutral hearing officer for a probable cause conference. The standard of proof for the probable cause conference is "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." (CCR § 18361.4.)

If a hearing officer finds probable cause on one or more violations, either after a probable cause conference, or as the result of an Ex Parte Request, the hearing officer issues a finding of probable cause and an order that the Enforcement Division prepare an accusation to be served on the respondent. The Commission Assistant serves both the respondent and the Enforcement Division with the finding of probable cause and order to issue an accusation. If probable cause is not found as to any violations, the case is closed.

Findings of probable cause are published in the Legal Division's Executive Staff Report that appears on the agenda for each Commission meeting.

7. **Accusation:** After a finding of probable cause, the Enforcement Division prepares and serves an Accusation by personal service on all respondents. The Accusation must include a statement of the acts or omission that caused the alleged violations as well as the applicable law. A respondent has 15 days from the date of being served with an Accusation to request an administrative hearing by delivering or mailing a Notice of Defense to the Enforcement Division. (Gov't Code §§ 11503, 11506, and 83116; CCR § 18361.4.)
8. **Administrative Hearing:** If a Notice of Defense is filed, the matter will be resolved at an administrative hearing. The Enforcement Division prepares a memorandum to the Executive Director, including a copy of the Accusation, for the Executive Director to present to the Commission with his or her recommendation as to whether the Commission should hear the matter itself or have the issue presided over by an Administrative Law Judge (ALJ) with the Office of Administrative Hearings. Hearings are usually presided over by an ALJ. The ALJ conducts an administrative hearing at which Enforcement Division staff represent the FPPC. Upon completion of a hearing, the ALJ issues a proposed decision. That decision is then presented to the Commission at its next meeting for approval. If the Commission adopts the decision, an order is issued.
9. **Default Decision:** If a respondent does not file a Notice of Defense, the Commission Counsel prepares a default decision and order to be considered by the Commission. Notice of the default decision and order must be sent to respondents no later than 15 days before the Commission meeting at which the default will be heard, but in practice, the Enforcement Division typically provides 30-day notice to allow respondents to cure filing defects and reach a settlement, if possible. (CCR § 18361.11.) By failing to file a Notice of Defense, a respondent has waived all rights to a hearing on the allegations contained in the Accusation. (Gov't Code § 11520.) But a respondent may provide any response or materials regarding a default decision and order at least five days before the Commission meeting. (CCR § 18361.11, subd. (b)(2).)
10. **Review of Commission Orders:** Respondents have the right to request reconsideration by the Commission of a decision adopted by the Commission. A

respondent also may file a writ of mandate in superior court challenging a final Commission decision. (Gov't Code § 11520, subd. (c).)

e) Statute of Limitations

The statute of limitations for initiating an administrative action under the Act is five years from the date of the alleged violation. (Gov't Code § 91000.5.) An administrative action begins by serving a probable cause report on a respondent. (Gov't Code § 91000.5, subd. (a).) If a person alleged to have violated the Act fraudulently conceals a violation, the statute of limitations is tolled as well. (Gov't Code § 91000.5, subd. (b).) Further, failure to comply with an administrative subpoena also tolls the statute of limitations. (Gov't Code § 91000.5, subd. (c).) The statute of limitations for bringing a criminal case under the Act is four years. (Gov't Code § 91000.)

f) Collections

For cases that result in a default decision and order imposing a fine, or an Administrative Hearing that is adopted by the Commission, collections action will be undertaken. The collection process begins with a demand letter sent to respondents by the Enforcement Division after the Commission approves the default or administrative penalty. If the penalty is not paid within 30 days of the demand letter, the Enforcement Division staff file an application with the Sacramento Superior Court for a clerk's judgment. Once the judgment is obtained, the Enforcement Division transfers the matter to the FPPC's Administrative Division to undertake collection efforts.

IX. Audits

The Act mandates the FPPC and FTB perform certain audits. (Gov't Code § 90001.) The Enforcement Division and FTB are also authorized by statute and regulation to perform discretionary audits. (Gov't Code §§ 90003 and 90008.) The Act also provides guidelines for an ongoing program of mandatory audits. (Gov't Code §§ 90000 - 90008.) The program encompasses campaign statements filed by all candidates for elective office, from statewide offices to special local jurisdictions, as well as the reports filed by lobbying firms and lobbyist employers. It also includes campaign statements filed by state ballot measure committees and state general purpose committees. The majority of the audits are conducted by the Political Reform Audit Program of the Franchise Tax Board ("FTB").⁵ Statements filed by candidates

⁵ FTB is responsible for conducting audits of the following when certain thresholds are met and draws are held to select the remaining audits: Candidates for the office of Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Insurance Commissioner, Superintendent of Public Instruction, State Senate, State Assembly, State Supreme Court, Court of Appeals, and Superior Court Judge, and their controlled committees. As well as committees supporting or opposing state candidates and/or statewide measures, and state and general purpose committees, (including county central committees of political parties), and lobbying firms, lobbyist employers, and lobbyists whose activities influence the legislative or administrative actions of California. In addition, FTB is responsible for conducting audits of candidates for local offices. (Gov't Code § 90001; CCR § 18991.)

for State Controller, Public Employees Retirement Board, and state Board of Equalization, however, are audited by the FPPC. (Gov't Code §§ 90001 and 90006.) The FPPC also has a contract with the County of San Bernardino to audit their candidate committees. (Gov't Code § 83123.5.)

a) Purpose of Audits

The Act requires full disclosure of receipts and expenditures of candidates and committees and disclosure of the finances of lobbyists. The purpose of the audits is to encourage compliance and detect violations of the Act by determining the level of compliance of the subject of the audit with the Act's recordkeeping and disclosure provisions. (Gov't Code §§ 90000 and 90007.) Each audit report includes an opinion of whether the information contained in the filings is presented fairly and in conformity with the provisions of the Act and related rules and regulations. (CCR § 18995 (c)(3).) The audit reports are public documents and used as a basis for enforcement action. (Gov't Code § 90004; CCR § 18993.) But records obtained to conduct the audit are not public documents. (Gov't Code § 90005.) When conducting the audits, the Program Specialists and FTB follow standards and guidelines for auditing statements and reports. (Gov't Code § 90007, CCR §§ 18994 and 18995.)

All candidates and committees are required to keep detailed accounts, records, bills, and receipts as necessary to prepare their campaign statements and reports. These records will be requested and must be produced in response to a notice that the FPPC or FTB is conducting an audit of your campaign. (Gov't Code §§ 84104, 86110, and 90002; CCR §§ 18401, 18610, and 18612.)

b) Discretionary Audits

The FPPC Enforcement Division and FTB are statutorily authorized to conduct discretionary audits in addition to those proscribed by statute. (Gov't Code § 90003.) These are done with approval of the Chief. The Chief and the Supervising Management Auditor develop a work plan with timeframes to conduct and complete the discretionary audit in as swift a timeframe as possible.

c) Audit Reports

Audit reports prepared by the FPPC and FTB also explain instances of material noncompliance with the disclosure and recordkeeping requirements of the Act. (CCR § 18995.) FTB's audit reports are sent to the FPPC, the Secretary of State ("SOS"), and the Attorney General ("AG"). If the reports relate to local candidates and their controlled committees, the reports are sent to the local filing officer with whom the candidate or committee is required to file the original campaign statements, the FPPC, and the District Attorney of that county. Audit reports issued by the FPPC for candidates/committees filing at the SOS are sent to the SOS and AG. Audit reports issued by the FPPC for local jurisdictions under contract are sent to the local filing officer and any other entity requested by the local

jurisdiction under contract. Copies of audit reports are also sent to the entity audited. (Gov't Code § 90004)

Additionally, FTB audits conducted on a random basis pursuant to Gov't Code § 90001 are required by statute to be completed within two years (Gov't Code § 90004). When completed, the FTB audits are transmitted to the FPPC Enforcement Division, and the Supervising Management Auditor then reviews the findings included in the audit report to determine if an enforcement action is warranted. The Supervising Management Auditor then makes a recommendation to the Chief as to whether enforcement action should be taken. The Chief makes the final determination of enforcement action.

d) Audit Standards

The audit guidelines and standards are based on the FPPC regulations. The Commission adopted audit guidelines and standards which govern audits and field work conducted pursuant to Gov't Code § 90001. For the purpose of the audit, auditing standards consist of general standards, standards of field work, and standards of reporting. (Gov't Code § 90007; CCR §§ 18994 and 18995.)

X. Case Records and File Management

The Enforcement Division seeks to utilize technology to operate more effectively and efficiently. The Enforcement Division also strives to ensure transparency by providing the public with access to available records, while maintaining the integrity of an investigation and respecting the privacy rights of respondents and witnesses.

a) Enforcement Case Management System

Beginning in September of 2016, the Enforcement Division implemented a paperless file system through the creation of an internal case management system. The Enforcement Division case management system directly receives complaints submitted through the FPPC website. Complaints and related documents, as well as case files and audit files, are stored on the case management system. Additionally, the Enforcement Division case management system provides enhanced case management capabilities and efficiency by allowing staff to:

- Transmit documents electronically for internal review and approval;
- Automatically generate basic letters and other documents;
- Create a dashboard and reports to track workload;
- Identify and redact documents for California Public Records Act request; and
- Access and sort records from prior cases to ensure consistency in prosecuting cases.

The Enforcement Division also transmits letters and documents electronically when possible to increase efficiency, shorten response time, and decrease the use of paper.

b) Case Resolution Documents

All warning, advisory, and closure letters are posted on the FPPC website upon completion of the case. Support staff uploads and posts the letters on the website. All stipulations, decision and orders, default, decision and orders, and Commission-approved administrative judgments are available on the FPPC website as well.

c) California Public Records Act Requests

Members of the public can make a California Public Records Act request on the FPPC website (<http://www.fppc.ca.gov/transparency/public-records-request.html>)
The Enforcement Division responds to California Public Records Act requests consistent with California Public Records Act and the FPPC policy.

XI. Continuity of Operations

Continuity of operations is an important part of the planning process designed to:

- Identify the emergency plan for the evacuation and safety of all employees in a natural or man-made emergency;
- Identify essential functions of the Enforcement Division;
- Identify essential records of the Enforcement Division;
- Articulate a plan to continue the essential functions of the Enforcement Division in the case of an emergency; and
- Articulate a plan to preserve the essential records of the Enforcement Division in the case of an emergency.

a) Emergency Plan

The Enforcement Division Emergency Plan is consistent with the FPPC agency-wide plan for providing for the evacuation and safety of all employees during an emergency.

b) Essential Division Functions

In the case of an emergency, the only essential Enforcement Division function is to ensure that cases that are nearing their statute of limitations are preserved for prosecution through either stipulated tolling agreement or through the serving of a probable cause report.

c) Continuity of Essential Functions

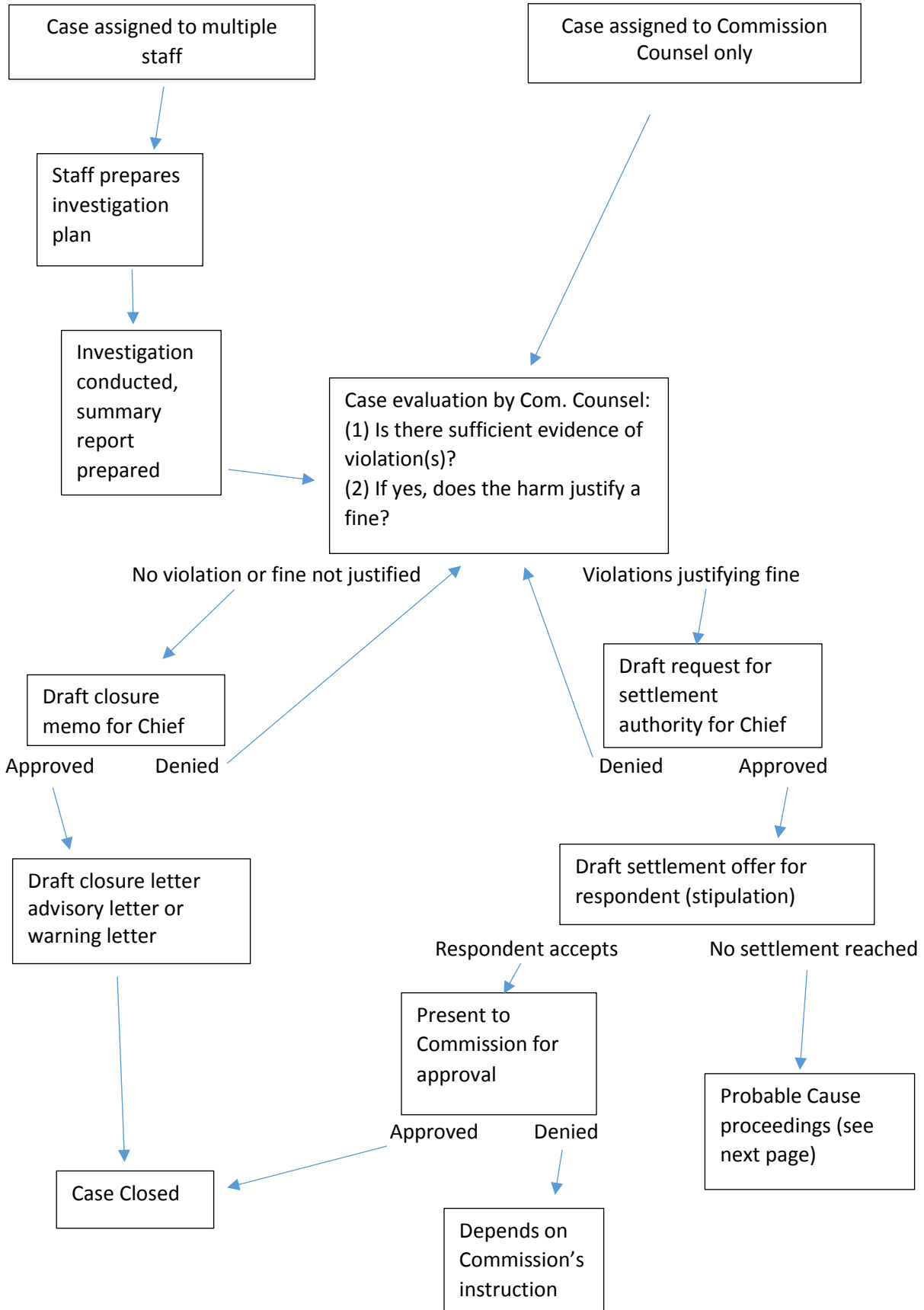
In the case of an emergency requiring evacuation of the FPPC office for an extended period of time, the Enforcement Division will work with the IT staff to determine how to:

- Access the on-site computer system remotely or access the backup data preserved off-site.
- Identify through the Enforcement Division case management system those cases that are

nearing their statute of limitations.

- Work remotely to draft and serve probable cause reports on and, if necessary, conduct probable cause hearings at an off-site location or telephonically.
- Notify the public of new contact information and possible delays in response time.

Case Resolution Flow-chart



Case Resolution Flow-chart

