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**VIA ELECTRONIC MAIL:** [commasst@fppc.ca.gov](mailto:commasst@fppc.ca.gov)

Chair Silver and Commissioners Brandt, Ortiz, Wilson, and Zettel  
California Fair Political Practices Commission  
1102 Q Street, Suite 3000  
Sacramento, CA 95811

RE: **Proposed Amendments to Regulation 18361.4 (Probable Cause Proceedings)**

Dear Chair Silver and Commissioners:

Bell, McAndrews & Hiltachk, LLP writes in strong support of the California Political Attorneys Association's (CPAA) December 22, 2025 letter concerning the proposed amendments to Regulation 18361.4 governing Probable Cause proceedings before the Fair Political Practices Commission ("FPPC"). These amendments remove existing provisions that provide for discovery and participation of witnesses during probable cause proceedings and flexibility in setting deadlines to conduct hearings. We concur with CPAA that the proposed changes raise fundamental due process concerns and would materially weaken the procedural protections currently afforded to respondents under the Political Reform Act ("PRA").

Like CPAA, we recognize the vital role that Probable Cause proceedings play in ensuring that respondents, many of whom are elected officials and candidates, have a meaningful opportunity to test the legal and factual sufficiency of enforcement allegations before those matters become public. In our experience, the ability to examine evidence, present witnesses, and meaningfully participate in a hearing before a neutral hearing officer is not merely a formality, but a critical safeguard against premature or overreaching enforcement actions. We share CPAA's concern that the staff proposal overlooks both the practical realities of enforcement cases and the serious reputational harm that can result when allegations become public without adequate vetting.

Without access to the underlying evidence and the ability to challenge it, the Probable Cause hearing is at risk of becoming, in effect, a rubber stamp for enforcement actions. As you know, the FPPC's core missions include promoting transparency in government and fostering public trust in the political system. Those missions are advanced by enforcement processes that

are open, balanced, and fair – and meaningful access to witnesses and discovery are undoubtedly essential to those principles. It ensures that respondents can test the evidence against them, clarify the factual record and fully participate in a process whose legitimacy depends on openness rather than secrecy.


Restricting the disclosure of evidence at a critical point in the enforcement process invites skepticism and erodes respondent and public confidence that outcomes are based on a complete and accurate record. Indeed, a probable cause process that proceeds without the disclosure of supporting evidence is an effective means for the Enforcement Division to toll the statute of limitations on aging or potentially stale matters, reinforcing the perception that allegations are being advanced before they are fully developed or substantiated, and that the process is being used to buy time rather than to test the merits of a complete record. At this stage, Commission staff should be prepared to share the evidence supporting the action, both because doing so strengthens and legitimizes their case and because it advances the Commission's broader mission of fairness and transparency.

We understand that staff may have concerns that these proceedings create logistical or practical burdens (i.e. increasing costs and in some cases reduce efficiency). However, it is important to remember that the FPPC's credibility rests not only on vigorous enforcement, but on the perception that its proceedings are even-handed and fair. Enforcement mechanisms that are cost-effective and efficient, yet shield evidence from scrutiny, invite skepticism, and raise concerns about biased decision-making, undermine the very transparency the FPPC is charged with protecting. These perceptions are the antithesis of the FPPC's stated purpose and risk weakening, rather than reinforcing public confidence in the political system.

We also support CPAA's concern regarding the proposed elimination of the hearing officer's discretion to extend timeframes for Probable Cause hearings. Reasonable flexibility in scheduling is necessary for all parties to adequately prepare and present their cases and stripping that discretion creates an imbalance that unfairly advantages the Enforcement Division.

For these reasons, Bell, McAndrews & Hiltachk, LLP supports CPAA's comment letter and respectfully urges the Commission to direct staff to reconsider the proposed amendments to Regulation 18361.4, preserving the procedural protections that ensure fair, thorough, and just Probable Cause proceedings under the Act. Thank you for your attention to these important issues. If we can provide further assistance, please do not hesitate to contact us.

Respectfully submitted,



Brian Hildreth, Partner  
Bell, McAndrews & Hiltachk, LLP