



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Miadich, Commissioners Baker, Cardenas, Wilson, and Wood

From: Angela Brereton, Chief of Enforcement
Jenna Rinehart, Commission Counsel

Subject: *In the Matter of Corso for Council 2014, Taxpayers for Oceanside Neighborhoods, and Dana Corso*; FPPC No. 15/245: Respondents' motion to vacate default decision

Date: May 10, 2021

On April 16, 2020, the Commission approved on the consent calendar a Default, Decision and Order for the case of *In the Matter of Corso for Council 2014, Taxpayers for Oceanside Neighborhoods, and Dana Corso*; FPPC No. 15/245 (the "Default"). On April 28, 2021, Respondent, Dana Corso ("Corso"), filed a motion to vacate the Commission's decision.

The Commission has the authority to vacate its prior decision on a default and grant the respondent a hearing on a showing of good cause.¹ "Good cause" includes, but is not limited to, (1) failure of the person to receive notice of the Accusation, and (2) mistake, inadvertence, surprise, or excusable neglect.²

As detailed in the Default, Respondents were served with the Accusation at Corso's place of business, located at 5256 S. Mission Road, Suite 310, via substitute service, satisfying the service requirement for Accusations.³ Between September 12, 2019 and October 1, 2019, the registered process server attempted to personally serve Corso with the Accusation on five separate occasions.⁴ On each occasion, the receptionist, Elizabeth Johnson, confirmed Corso was not in the office.⁵ Elizabeth Johnson informed the registered process server that Corso comes and goes from the office and does not have a set schedule.⁶ Since Corso could not with reasonable diligence be personally served with the Accusation, the registered process server served Corso via substituted service by leaving a copy of the Accusation at Corso's usual place of business with the person apparently in charge, Elizabeth Johnson, and by sending a copy of the

¹ Government Code § 11520, subd. (c), and California Code of Regulations, Title 2, § 18361.11, subd. (d)(2).

² Government Code § 11520, subd. (c).

³ Government Code § 11505, subd. (c).

⁴ Default Decision and Order FPPC No. 15/245 at page 143.

⁵ *Id.*

⁶ *Id.*

Accusation by first-class mail to Corso at her usual place of business.⁷ Corso contends she did not receive notice of the Accusation.

Corso's motion states she "never received a phone call, e-mail or any message relating to this matter" until she was served with the notice of default decision and order and administrative fine on April 22, 2021. However, the evidence detailed in the Default suggests otherwise. Between February 6, 2015 and April 23, 2018, the Oceanside City Clerk and the Enforcement Division reached out to Respondents regarding this matter by phone, letter, and/or email eight times.⁸

Additionally, on September 4, 2018, the Enforcement Division sent, via certified mail, a Report in Support of a Finding of Probable Cause ("PC Report") to Corso's home address on Ranch View Road. On September 27, 2018, the Enforcement Division received a letter from Corso, dated September 24, 2018, stating "the United States Post Office left a small green card in my mailbox last weekend, stating that you sent something to me. (?) In the signature line is my son's printed name. However, he states he doesn't remember what he signed or where it is." On October 2, 2018, the Enforcement Division attempted to contact Corso via telephone. A voicemail was left following up on her September 24, 2018 letter but no response was ever received.

After receiving no response from Corso, the Enforcement Division hired a registered process server to personally serve Corso with the PC Report at her home address.⁹ Between November 21, 2018 and November 26, 2018, the registered process server attempted to personally serve Corso with the PC Report on four separate occasions.¹⁰ On each occasion, there was no response at the door although there was evidence that someone was living there.¹¹ The registered process server left his contact card on the door.¹² On a subsequent trip to attempt service, the registered process server found his card ripped up where he had left it.¹³

Next, on November 30, 2018, a registered process server attempted to personally serve Corso with the PC Report at her place of business.¹⁴ The PC Report was served on Corso via substitute service by leaving a copy of the PC Report at Corso's usual place of business with the person apparently in charge, and by sending a copy of the PC Report by first-class mail to Corso at her usual place of business.¹⁵

⁷ Default Decision and Order FPPC No. 15/245 at pages 142-143.

⁸ Default Decision and Order FPPC No. 15/245 at page 13.

⁹ Default Decision and Order FPPC No. 15/245 at page 37.

¹⁰ Default Decision and Order FPPC No. 15/245 at pages 39-40.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Default Decision and Order FPPC No. 15/245 at page 38.

¹⁵ *Id.*

On February 26, 2019, the Enforcement Division sent, via certified mail, an Amended Report in Support of a Finding of Probable Cause (“Amended PC Report”) addressed to Corso at her place of business.¹⁶ The receipt was returned signed by someone at her place of business.¹⁷

On April 10, 2019, the Enforcement Division submitted 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 Hearing Officer of the Commission.¹⁸ Additionally, on April 10, 2019, the Enforcement Division sent, via U.S. Mail, a copy of the Ex Parte Request to Corso’s place of business. On April 11, 2019, the Legal Division sent, via U.S. Mail, a Finding of Probable Cause and an Order to Prepare and Serve an Accusation to Corso’s home address.¹⁹

On February 5, 2020, the Enforcement Division sent, via U.S. Mail, a letter advising Respondents that initial notice of the Default Decision and Order would appear on the agenda for the February 20, 2020 Commission meeting.²⁰ This letter was mailed to Corso’s place of business.²¹ On April 1, 2020, the Enforcement Division sent, via U.S. Mail, another letter advising Respondents that the Commission would be asked to adopt the Default Decision and Order at the April 16, 2020 Commission meeting.²² This letter and attachments were mailed to addresses believed to belong to Corso, and none of these documents were returned to the Enforcement Division by the USPS.²³ Additionally, Corso listed one of these addresses as her current residence under her signature line in her Motion to Vacate.

In taking up this motion, the Commission must determine whether Respondent’s have shown good cause to vacate the Default. As stated in the Default documents approved by the Commission and noted here, Respondents have not met their burden to show good cause.

While the Commission has the discretion to vacate the Default, the Respondents have not shown there is good cause to vacate the Default, and the Enforcement Division recommends this request be denied.

¹⁶ Default Decision and Order FPPC No. 15/245 at page 66.

¹⁷ Default Decision and Order FPPC No. 15/245 at page 67.

¹⁸ Default Decision and Order FPPC No. 15/245 at pages 80-116.

¹⁹ Default Decision and Order FPPC No. 15/245 at page 121.

²⁰ Default Decision and Order FPPC No. 15/245 at pages 223-224.

²¹ *Id.*

²² Default Decision and Order FPPC No. 15/245 at pages 226-227.

²³ It was believed Corso’s son resided at one of the addresses and Corso’s Motion to Vacate confirms Corso lives at that address. Corso was thought to have worked at the other address according to <https://aare.company/agent/dana-corso/>.