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3 **FAIR POLITICAL PRACTICES COMMISSION**  
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6  
7 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

8  
9 STATE OF CALIFORNIA

10 In the Matter of ) FPPC No.: 22/075  
11 )  
12 DAMIAN MORGAN )  
13 Respondent. )  
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> Damian Morgan (“Morgan”) has been  
20 served with all of the documents necessary to conduct an administrative hearing regarding the above-  
21 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.  
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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 Morgan, stated that  
4 a Notice of Defense must be filed in order to request a hearing. Morgan failed to file a Notice of Defense  
5 within fifteen days of being served with an Accusation. Government Code Section 11520 provides that,  
6 if the respondent fails to file a Notice of Defense, the Commission may take action, by way of a default,  
7 based upon the respondent's express admissions or upon other evidence, and that affidavits may be used  
8 as evidence without any notice to the respondent.

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

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

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

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16  
17 **ORDER**

18 The Commission issues this Default Decision and Order and imposes a total administrative  
19 penalty of \$16,000 upon Damian Morgan, 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 Damian Morgan (“Morgan”) was appointed as a board member for the Marin City Community Services District (“Marin City CSD”) on January 11, 2018 and left the position on August 11, 2022.

The Political Reform Act (“the Act”) requires designated officials to disclose their reportable economic interests on a Statement of Economic Interests (“SEI”) at various times pursuant to their agency’s Conflict of Interest Code.

As a board member for Marin City CSD, Morgan failed to file three Annual SEIs and a Leaving Office SEI.

### **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>

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

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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).

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

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 A-9 through A-10, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Morgan in this matter by serving them with a Report in Support of a Finding of Probable Cause (the "Report") by certified mail.<sup>11</sup> (Certification, Exhibit A-1.) Morgan was served with the Report on May 2, 2024.<sup>12</sup> (Certification, Exhibit A-2.) The administrative action commenced on May 2, 2024, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on Morgan contained a cover letter and a memorandum describing probable cause proceedings, advising that Morgan had 21 days in which

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<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.

<sup>12</sup> The Report was returned to the Enforcement Division by the post office on May 2, 2024, in accordance with Section 83115.5.

to request a probable cause conference and/or to file a written response to the Report. Morgan 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 Morgan 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 June 24, 2024. (Certification, Exhibit A-3.)

On June 28, 2024, the Hearing Officer, John Feser, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Morgan for Counts one through four. (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>13</sup>

Section 11503 states:

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

Upon the filing of the accusation, the agency must 1) serve a copy thereof on the respondent as provided in Section 11505, subdivision (c); 2) include a post card or other form entitled Notice of Defense that, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506; 3) include (i) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and that failure to do so will constitute a waiver of the respondent's right to a hearing, and (ii) copies

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<sup>13</sup> Regulation 18361.4, subd. (g).

of Sections 11507.5, 11507.6, and 11507.7.<sup>14</sup> The APA also sets forth the language required in the accompanying statement to the respondent.<sup>15</sup>

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

On September 25, 2024, the Commission’s Chief of Enforcement, James Lindsay, issued an Accusation against Morgan. (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, copies of Government Code Sections 11506, 11507.5, 11507.6, and 11507.7, were served upon Morgan on October 20, 2024 by substitute service.

Along with the Accusation, the Enforcement Division served Morgan 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.) Morgan did not file a Notice of Defense within the statutory time period, which ended on November 4, 2024.

As a result, on December 24, 2024 the Enforcement Division sent a letter to Morgan advising that this matter would be submitted for a Default Decision and Order at the Commission’s public meeting scheduled for January. (Certification, Exhibit A-9.)

On January 30, 2025, the Enforcement Division sent another letter to Morgan advising that this matter would be submitted for a Default Decision and Order at the Commission’s public meeting scheduled for February. (Certification, Exhibit A-10.) 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 2020 and 2022. 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 so that conflicts of interests may be avoided.<sup>17</sup> Another purpose is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>18</sup>

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

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

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

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

<sup>18</sup> Section 81002, subd. (f).

The Act requires every state and local agency to develop a Conflict of Interest Code.<sup>19</sup> These codes must designate those officials who participate in making decisions which may foreseeably have a material financial effect on any financial interest belonging to that official and require those designated officials to disclose all reportable interests on SEIs.<sup>20</sup> The requirements of an agency's Conflict of Interest Code have the force of law, and any violations of those requirements is deemed a violation of the Act.<sup>21</sup>

Regulation 18730 outlines the timing for disclosing the designated employees' economic interests as follows: all designated employees shall annually file statements no later than April 1 and all persons leaving designated positions shall file statements within 30 days after leaving the designated positions.<sup>22</sup> Any person who violates any provision of the Act is liable for administrative penalties up to \$5,000 per violation.<sup>23</sup>

Marin City CSD's Conflict of Interest Code approved by the Marin County Board of Supervisors designated Board Members of the Marin City CSD as a position required to disclose all business interests from which members derive personal income, or in which they have a management position, if said business interest does now or may, in the foreseeable future do business with the Marin City CSD or owns real property located within the Marin City CSD or within two miles of its boundaries.<sup>24</sup> Board Members shall also disclose ownership of real property located within the Marin City CSD or within two miles of its boundaries.<sup>25</sup> Additionally, the Conflict of Interest Code states, "Except as otherwise indicated, the definitions of [the Political Reform] Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith."<sup>26</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-8 and incorporated herein by reference.

Morgan was appointed as a board member for Marin City CSD on January 11, 2018, for a four-year term. Morgan resigned on August 11, 2022.

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<sup>19</sup> Section 87300.

<sup>20</sup> Section 87302, subd. (a).

<sup>21</sup> Section 87300.

<sup>22</sup> Regulation 18730, subd. (b)(5)(C)-(D).

<sup>23</sup> Sections 83116 and 83116.5.

<sup>24</sup> Conflict of Interest Code for Marin City Community Services District of Marin County approved by the Marin County Board of Supervisors.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

Morgan was required to timely file a 2018 Annual SEI by the April 2, 2019 deadline. Morgan filed their 2018 Annual SEI late on April 29, 2019.<sup>27</sup> (Certification A-7.)

Morgan was required to timely file a 2019 Annual SEI by the June 1, 2020 deadline.<sup>28</sup>

Morgan was required to timely file a 2020 Annual SEI by the April 1, 2021 deadline.

The Marin County Filing Officer (“Filing Officer”) made multiple attempts to notify Morgan of their duty to file a 2019 and 2020 Annual SEI. On June 4, 2020; April 16, 2021; May 3, 2021; and May 21, 2021, the Filing Officer notified Morgan by email of the obligation to file. (Certification, Exhibit A-8.) It appears in communications from the Filing Officer that the Marin City CSD Interim General Manager also contacted Morgan regarding outstanding SEIs; however, the Enforcement Division does not have communications to confirm those contacts. Morgan did not respond to the requests or file the outstanding SEIs.

The Filing Officer declared Morgan as a non-filer and referred Morgan to the Enforcement Division after not receiving compliance on July 28, 2021.

Morgan was required to timely file a 2021 Annual SEI by the April 1, 2022 deadline.

Morgan was required to timely file a Leaving Office SEI within 30 days of leaving the position by the September 12, 2022 deadline.<sup>29</sup>

To date, the Filing Officer has confirmed that Morgan has not filed any outstanding SEIs despite responding to the Enforcement Divisions requests to file and indicating in email communications that they would file.

Relevant to this Default, Morgan failed to timely file the following SEIs:

Type of Statement	Date Due	Date Filed
2019 Annual	6/1/2020	Not filed
2020 Annual	4/1/2021	Not filed
2021 Annual	4/1/2022	Not filed
Leaving Office	9/12/22	Not filed

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<sup>27</sup> While this violation was initially included in the Report as Count 1, the Report was served on May 2, 2024, after the statute of limitations ran on this violation. Therefore, it is not included as a count in the Accusation or Default.

<sup>28</sup> At the Commission Meeting on Thursday, April 2, 2020, the Commission extended the due date for the 2019 Annual SEI to June 1, 2020 due to the COVID-19 pandemic.

<sup>29</sup> 30 days after August 11, 2022 was September 10, 2022, which fell on Saturday, so the due date was extended to September 12, 2022.



## Summary of Contact

The Enforcement Division contacted Morgan multiple times regarding the investigation. At various times, Morgan responded to the Enforcement Division's contacts and acknowledged that he has not filed the outstanding SEIs. At one point, Morgan indicated that they would file the outstanding SEIs but failed to respond to subsequent communications or file the statements.

Overall, the Enforcement Division contacted Morgan approximately fourteen times throughout this case, as follows:

- January 28, 2022: email from Enforcement Division regarding this case
- March 10, 2022: email from Enforcement Division regarding this case
- December 21, 2023: email from Enforcement Division regarding this case
- January 3, 2024: email from Enforcement Division regarding this case
- January 8, 2024: call from Enforcement Division, no answer
- January 11, 2024: email from Enforcement Division regarding this case; Morgan responded via email
- January 19, 2024: email response from Enforcement Division regarding this case; Morgan responded via email
- January 23, 2024: email from Enforcement Division regarding this case
- July 17, 2024: email from Morgan regarding this case; email from the Enforcement Division responding to the email
- July 18, 2024: email response from Morgan regarding this case; email from the Enforcement Division responding to the email
- July 30, 2024: email from Enforcement Division regarding this case; response from Morgan
- August 5, 2024: email from Enforcement Division regarding this case
- December 24, 2024: letter to Morgan informing them that a Default Decision and Order would appear on the agenda for the January 16, 2025 Commission meeting as a notice item
- January 30, 2025: Notice of Intent to Enter Default Decision and Order to Morgan informing them that the Default Decision and Order would be presented at the February 13, 2025 meeting for Commission action

## **VIOLATIONS**

Morgan committed four violations of the Act as follows:

### COUNT 1

#### **Failure to Timely File a 2019 Annual SEI**

Morgan had a duty to timely file their 2019 Annual SEI, due on June 1, 2020. By failing to

timely file their 2019 Annual SEI, due on June 1, 2020, Morgan violated Government Code Section 87300.

COUNT 2

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

Morgan had a duty to timely file their 2020 Annual SEI, due on April 1, 2021. By failing to timely file their 2020 Annual SEI, due on April 1, 2021, Morgan violated Government Code Sections 87300.

COUNT 3

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

Morgan had a duty to timely file their 2021 Annual SEI, due on April 1, 2022. By failing to timely file their 2021 Annual SEI, due on April 1, 2022, Morgan violated Government Code Section 87300.

COUNT 4

**Failure to Timely File a Leaving Office SEI**

Morgan had a duty to timely file their Leaving Office SEI, due on September 12, 2022. By failing to timely file their Leaving Office SEI, due on September 12, 2022, Morgan violated Government Code Sections 87300

**CONCLUSION**

This matter consists of 4 counts of violating the Act, which carry a maximum total administrative penalty of \$20,000.<sup>30</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

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<sup>30</sup> Section 83116, subd. (c).

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>31</sup>

In this matter, Morgan failed to timely file three Annual SEIs and a Leaving Office SEI for their position as a board member for Marin City CSD.

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. Morgan has failed to file the missing SEIs, despite repeated outreach attempts. Morgan's violations deprived the public of important and timely information regarding their economic interests, and they have not filed these SEIs to date.

Morgan filed their 2018 Annual SEI. As such, Morgan should be aware that the Act required filing of SEIs.

Morgan 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 1-4

- *In the Matter of Jennifer Allsup*, FPPC No. 16/20047. (The Commission approved a default decision on October 15, 2020.) The respondent failed to timely file two Annual SEIs and a Leaving Office SEI despite being contacted several times regarding this matter. Allsup was no longer in office at the time of the default but did previously file SEIs timely. Allsup did not have a prior enforcement history. The Commission imposed a penalty of \$4,000 per count, \$12,000 in total for this violation.

This case is similar to the present matter as Morgan is well aware of their obligation to file SEIs as they filed a 2018 Annual SEI. Similarly, they have failed to file despite multiple requests for compliance from the Filing Officer and the Enforcement Division. Additionally, Morgan does not have prior enforcement history and is no longer in office at the time of the Default. Therefore, a similar 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:

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<sup>31</sup> Regulation 18361.5, subd. (e).

Counts	Violations: Morgan	Proposed Penalty per Count
1-3	Failure to Timely File an Annual Statement of Economic Interests	\$4,000
4	Failure to Timely File a Leaving Office Statement of Economic Interests	\$4,000
	<b>Total:</b>	<b>\$16,000</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. 22/075; Damian Morgan* 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 11, 2024

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated April 9, 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 June 24, 2024

EXHIBIT A-4: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated June 28, 2024

EXHIBIT A-5: Accusation, dated September 25, 2024

- EXHIBIT A-6: Proof of Service for Accusation and accompanying documents from process server, dated October 21, 2024
- EXHIBIT A-7: 2018 Annual SEI, filed April 29, 2019
- EXHIBIT A-8: Notifications from Filing Officer dated June 4, 2020 through May 21, 2021
- EXHIBIT A-9: Notice of Default Decision and Order, dated December 24, 2024
- EXHIBIT A-10: Notice of Intent to Enter Default Decision and Order, dated January 30, 2025.
- .

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed January 27, 2025, 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**  
1102 Q Street, Suite 3050  
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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**

11 In the Matter of ) FPPC No. 2022-00075  
12 )  
13 DAMIAN MORGAN, ) **REPORT IN SUPPORT OF A FINDING OF**  
14 ) **PROBABLE CAUSE**  
15 Respondent. ) Conference Date: TBA  
16 ) Conference Time: TBA  
17 ) Conference Location: Commission Offices  
18 ) 1102 Q Street, Suite 3050  
19 ) Sacramento, CA 95811  
20 )  
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**INTRODUCTION**

Respondent, Damian Morgan (“Morgan”), was appointed as a Board Member for the Marin City Community Services District (“Marin City CSD”) on January 11, 2018 and left the position on August 11, 2022.

The Political Reform Act (the “Act”)<sup>1</sup> requires designated officials to disclose their reportable economic interests on a Statement of Economic Interests (“SEI”) at various times pursuant to their

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<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.



1 agency’s Conflict of Interest Code. Morgan, a designated official, violated the Act by failing to timely  
2 file a 2018 Annual SEI by the April 2, 2019 due date, 2019 Annual SEI by the June 1, 2020 due date, a  
3 2020 Annual SEI by the April 1, 2021 due date, a 2021 Annual SEI by the April 1, 2022 due date, and a  
4 Leaving Office SEI by the September 12, 2022 due date, for his position as Board Member for the  
5 Marin City CSD.

## 6 **SUMMARY OF THE LAW**

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

### 11 **Jurisdiction and Probable Cause Proceedings**

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

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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 **Standard for Finding Probable Cause**

2 For the hearing officer to make a finding of probable cause, it is only necessary that he or she be  
3 presented with evidence that sufficiently supports a reasonable belief or strong suspicion that the Act  
4 has been violated.<sup>7</sup> Probable cause may only be found if the Respondents were notified of the violations  
5 at least 21 days prior to the hearing officer’s consideration of the alleged violations.<sup>8</sup>

6 **Contents of the Probable Cause Report**

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

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

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

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

19 **Conflict of Interest Codes**

20 The Act requires every state and local agency to develop a Conflict of Interest Code.<sup>14</sup> These  
21 codes must designate those officials who participate in making decisions which may foreseeably have a  
22

---

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

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

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

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

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

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

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

<sup>14</sup> Section 87300.

1 material financial effect on any financial interest belonging to that official and require those designated  
2 officials to disclose all reportable interests on SEIs.<sup>15</sup> The requirements of an agency’s Conflict of  
3 Interest Code have the force of law, and any violations of those requirements is deemed a violation of  
4 the Act.<sup>16</sup>

5 **Regulation 18730 and Liability for Violation**

6 Regulation 18730 outlines the timing for disclosing the designated employees’ economic  
7 interests as follows: all designated employees shall annually file statements no later than April 1, and  
8 file statements within 30 days after leaving office.<sup>17</sup> If a statement or report is required to be filed  
9 before or on a specified date, and the filing deadline falls on a Saturday, Sunday, or official state  
10 holiday, the filing deadline for the statement or report shall be extended to the next regular business  
11 day.<sup>18</sup> Any person who violates any provision of the Act is liable for administrative penalties up to  
12 \$5,000 per violation.<sup>19</sup>

13 **Conflict of Interest Code for Marin City Community Services District**

14 Marin City CSD’s Conflict of Interest Code approved by the Marin County Board of  
15 Supervisors designated Board Members of the Marin City CSD as a position required to disclose all  
16 business interests from which members derive personal income, or in which they have a management  
17 position, if said business interest does now or may, in the foreseeable future do business with the Marin  
18 City CSD or owns real property located within the Marin City CSD or within two miles of its  
19 boundaries.<sup>20</sup> Board Members shall also disclose ownership of real property located within the Marin  
20 City CSD or within two miles of its boundaries.<sup>21</sup> Additionally, the Conflict of Interest Code states,  
21 “Except as otherwise indicated, the definitions of [the Political Reform] Act and regulations adopted

22 \_\_\_\_\_  
23 <sup>15</sup> Section 87302, subd. (a).

24 <sup>16</sup> Section 87300.

25 <sup>17</sup> Regulation 18730, subd. (b)(5)(C).

26 <sup>18</sup> Section 81005, subd. (a).

27 <sup>19</sup> Sections 83116 and 83116.5.

28 <sup>20</sup> Conflict of Interest Code for Marin City Community Services District of Marin County approved by the Marin County Board of Supervisors.

<sup>21</sup> Conflict of Interest Code for Marin City Community Services District of Marin County approved by the Marin County Board of Supervisors.

1 pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent  
2 therewith.”<sup>22</sup>

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

4 Morgan was appointed as a Board Member for Marin City CSD for a four-year term on January  
5 11, 2018 and resigned on August 11, 2022. According to records maintained by Marin County’s filing  
6 officer, Morgan filed his 2018 Annual SEI late on April 29, 2018<sup>23</sup>. In addition, Morgan has failed to  
7 timely file his 2019 Annual SEI by the June 1, 2020 due date,<sup>24</sup> 2020 Annual SEI by the April 1, 2021  
8 due date, 2021 Annual SEI by the April 1, 2022 due date, and Leaving Office SEI by the September 12,  
9 2022 due date.<sup>25</sup>

10 The County of Marin Elections Department contacted Morgan four times in writing between  
11 June 4, 2020 and May 21, 2021 to remind him of his 2019 and 2020 Annual SEI filing obligations.  
12 After not receiving compliance from Morgan regarding his outstanding SEIs, the filing officer referred  
13 the matter to the Commission.

14 The Commission’s Enforcement Division contacted Morgan via email on December 21, 2023  
15 and he responded on January 11, 2024. Since then, the Commission has contacted Morgan three more  
16 times via email to remind Morgan of his outstanding SEI filing obligations. Other than as noted,  
17 Morgan has failed to reach out or respond to any email from the Enforcement Division. On February  
18 14, 2024, the Marin County filing officer confirmed that Morgan has failed to file his outstanding SEIs.

### 19 **VIOLATIONS**

#### 20 Count 1: Failure to Timely File 2018 Annual Statement of Economic Interest

21 Morgan failed to timely file his 2018 Annual SEI by the April 2, 2019 due date, in violation of  
22 Government Code Section 87300.

23  
24 <sup>22</sup> Ibid.

<sup>23</sup> The due date was April 2, 2019 because April 1, 2019 was a state holiday (Cesar Chavez Day, observed).

25 <sup>24</sup> At the Commission Meeting on Thursday, April 2, 2020, the Commission extended the due date for the 2019 Annual  
SEI to June 1, 2020 due to the COVID-19 pandemic.

26 <sup>25</sup> 30 days after August 11, 2022 was September 10, 2022, which fell on a Saturday, so the due date was extended to  
27 September 12, 2022.

1 Count 2: Failure to Timely File 2019 Annual Statement of Economic Interest

2 Morgan failed to timely file his 2019 Annual SEI by the June 1, 2020 due date, in violation of  
3 Government Code Section 87300.

4 Count 3: Failure to Timely File 2020 Annual Statement of Economic Interest

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

7 Count 4 Failure to Timely File 2021 Annual Statement of Economic Interest

8 Morgan failed to timely file his 2021 Annual SEI by the April 1, 2022 due date, in violation of  
9 Government Code Section 87300.

10 Count 5: Failure to Timely File Leaving Office Statement of Economic Interest

11 Morgan failed to timely file his Leaving Office SEI by the September 12, 2022 due date, in  
12 violation of Government Code Section 87300.

13 **EXCULPATORY INFORMATION**

14 The Enforcement Division is not aware of any exculpatory evidence at the present time.

15 **OTHER RELEVANT EVIDENCE**

16 Morgan is aware of his filing obligations due to his position as Board Member for Marin City  
17 CSD as he filed a 2018 Annual SEI. Moreover, Morgan has a prior enforcement history with the  
18 Commission for failing to file a pre-election campaign statement by the September 29, 2022 deadline as  
19 a candidate for the Tamalpais Union High School District Board. Morgan was served with a warning  
20 letter and the case was resolved without administrative prosecution.

21 **CONCLUSION**

22 Probable cause exists to believe that Morgan violated the Act as detailed above. The  
23 Enforcement Division respectfully requests an order finding probable cause pursuant to Section  
24 83115.5 and Regulation 18361.4.

1 Dated: 3/11/2024

2 Respectfully Submitted,

3 **FAIR POLITICAL PRACTICES COMMISSION**

4 James M. Lindsay  
5 Chief of Enforcement

6 *Laura Columbel*

7 \_\_\_\_\_  
8 By: Laura Columbel  
9 Commission Counsel  
10 Enforcement Division

**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 April 9, 2024, I served the following document(s):

1. Letter dated March 11, 2024, from Laura Columbel;
2. FPPC No. 22/075 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

Damian Morgan  


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on April 9, 2024.

  
Stacey Anderson-Wise





FAIR POLITICAL PRACTICES COMMISSION

1102 Q STREET, SUITE 300  
SACRAMENTO, CALIFORNIA 95811



**CERTIFIED MAIL®**



9589 0710 5270 0589 1401 49



US POSTAGE TM PITNEY BOWES

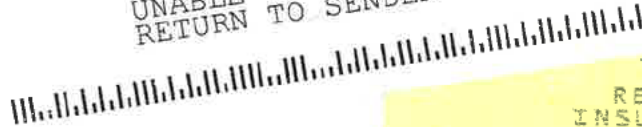


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02 4W  
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*4/N 4-19-7*  
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-R-T-S- 94965-RFS-1N  
RETURN TO SENDER  
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**\*RFS\***



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UNABLE TO FORWARD  
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 Copy  Add to Informed Delivery

## Latest Update

Your item has been delivered to the original sender at 2:09 pm on May 2, 2024 in ZIP Code 95800.

Get More Out of USPS Tracking:

 [USPS Tracking Plus®](#)

## Delivered

**Delivered, To Original Sender**

95800

May 2, 2024, 2:09 pm

**Unclaimed/Being Returned to Sender**

SAUSALITO, CA 94965

April 27, 2024, 12:17 pm

**Return to Sender Processed**

SAUSALITO, CA 94965

April 27, 2024, 12:17 pm

**Reminder to Schedule Redelivery of your item**

April 17, 2024

**Notice Left (No Authorized Recipient Available)**

SAUSALITO, CA 94965

April 12, 2024, 2:20 pm

**Out for Delivery**

SAUSALITO, CA 94965

April 12, 2024, 6:10 am

**Arrived at Post Office**

SAUSALITO, CA 94965

April 12, 2024, 5:23 am

**Arrived at USPS Regional Facility**

NORTH BAY CA DISTRIBUTION CENTER

April 11, 2024, 1:55 am

**Arrived at USPS Regional Facility**

SAN FRANCISCO CA DISTRIBUTION CENTER

April 10, 2024, 5:21 am

**Arrived at USPS Regional Facility**

SACRAMENTO CA DISTRIBUTION CENTER

**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  
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 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**  
8 **STATE OF CALIFORNIA**

9  
10 In the Matter of ) FPPC No. 2022-00075  
11 DAMIAN MORGAN, )  
12 ) EX PARTE REQUEST FOR A FINDING OF  
13 Respondent. ) PROBABLE CAUSE AND AN ORDER THAT  
14 ) AN ACCUSATION BE PREPARED AND  
15 ) SERVED  
16 ) Gov. Code § 83115.5  
17 )  
18 )

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

20 Pursuant to Section 83115.5 of the Political Reform Act (the “Act”)<sup>1</sup> and Regulation 18361.4,  
21 Respondent Damian Morgan (“Morgan”) was served with a copy of a report in support of a finding of  
22 probable cause (“PC Report”) in the above-entitled matter.<sup>2</sup> The PC Report, attached as “Exhibit A,” was  
23 part of a packet of materials, including a cover letter, a memorandum describing probable cause  
24 proceedings, and a probable cause checklist form, which was sent to Morgan on April 9, 2024 by certified  
25 mail, with return receipt requested, and was returned to the Enforcement Division by the post office on

26 <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.

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

1 May 2, 2024, in accordance section 83115.5. Copies of the proof of service and the returned mail are  
2 attached as “Exhibit B.”

3 In the cover letter dated March 11, 2024, and the attached materials, Morgan was advised that he  
4 could respond in writing to the PC Report and orally present the case to the Hearing Officer at a probable  
5 cause conference to be held in Sacramento. Morgan was further advised that in order to have a probable  
6 cause conference he needed to make a written request for one within 21 days of the date he received the  
7 PC Report, or the date requested records were sent by the Enforcement Division. Additionally, Morgan  
8 was advised that if he did not request a probable cause conference, such a conference would not be held  
9 and probable cause would be determined based solely on the PC Report and any written response that he  
10 submitted within 21 days of the date he was served with the PC Report, or the date requested records were  
11 sent by the Enforcement Division. To date, Morgan has not submitted a written response or requested a  
12 probable cause conference.

13 WHEREFORE, based on the attached PC Report, the Enforcement Division requests a finding by  
14 the Hearing Officer that probable cause exists to believe that the Respondent committed four<sup>3</sup> violations  
15 of the Act, stated as follows:

16 Count 1: Morgan failed to timely file his 2019 Annual SEI by the June 1 2020 due date, in violation of  
Government Code Section 87300.

17 Count 2: Morgan failed to timely file his 2020 Annual SEI by the April 1, 2021 due date, in violation  
18 of Government Code Section 87300.

19 Count 3: Morgan failed to timely file his 2021 Annual SEI by the April 1, 2022 due date, in violation  
of Government Code Section 87300.

20 Count 4: Morgan failed to timely file his Leaving Office SEI by the September 12, 2022 due date, in  
21 violation of Government Code Section 87300.

22  
23  
24 <sup>3</sup> Because the PC Report was served on May 2, 2024, the statute of limitations ran on the first violation stated in the PC  
25 Report before service was made. Therefore, that violation is not included in this Ex Parte Request for a Finding of Probable  
26 Cause.

1           Additionally, after finding probable cause exists, the Enforcement Division requests an order by  
2 the Hearing Officer that an accusation be prepared against Morgan and served upon him.<sup>4</sup>

3           A copy of this Request was mailed via U.S. Mail to Morgan on June 27, 2024, at the last known  
4 address, as follows:

5           Damian Morgan  
6 

8  
9 Dated: 6/24/2024

Respectfully Submitted,

10  
11 **FAIR POLITICAL PRACTICES COMMISSION**

12 James M. Lindsay  
13 Chief of Enforcement

14 *Laura Columbel*

15 By: Laura Columbel  
16 Commission Counsel  
17 Enforcement Division

18  
19  
20  
21  
22  
23  
24  
25  
26 <sup>4</sup> Gov. Code § 11503.

**Exhibit A-4**

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3 In the Matter of

) FPPC No. 2022-00075

4 DAMIAN MORGAN,

)

)

) FINDING OF PROBABLE CAUSE AND

) ORDER TO PREPARE AND SERVE AN

) ACCUSATION

5 Respondent.

)

) Gov. Code § 83115.5

)

6  
7  
8  
9 By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation  
10 Be Prepared and Served, dated June 24, 2024, the Enforcement Division submitted the above-entitled  
11 matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request  
12 for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served (“Ex Parte  
13 Request”), the Enforcement Division served a Report in Support of a Finding of Probable Cause (“PC  
14 Report”) on Respondent Damian Morgan, (“Morgan”), on May 2, 2024 by certified mail, return receipt  
15 requested. Accompanying the PC Report was a packet of materials that informed the Respondent of his  
16 right to file a written response to the PC Report and to request a probable cause conference within 21 days  
17 following service of the PC Report, or transmittal of any requested records by the Enforcement Division.  
18 During the 21 days that followed service of the PC Report, the Respondent did not file a response to the  
19 PC Report, request records, or request a probable cause conference. Pursuant to California Code of  
20 Regulations title 2, section 18361.4,<sup>1</sup> determination of probable cause may be made solely on papers  
21 submitted when the respondent does not request a probable cause conference.

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

26  
27 <sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. The regulations of the Fair  
28 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 Morgan and the subsequent Ex Parte Request in this matter  
4 alleges 4<sup>3</sup> violations of the Political Reform Act were committed, as follows:

5 Count 1: Failure to Timely File 2019 Annual Statement of Economic Interest

6 Morgan failed to timely file his 2019 Annual SEI by the June 1, 2020 due date, in violation of  
7 Government Code Section 87300.

8 Count 2: Failure to Timely File 2020 Annual Statement of Economic Interest

9 Morgan failed to timely file his 2020 Annual SEI by the April 1, 2021 due date, in violation of  
10 Government Code Section 87300.

11 Count 3 Failure to Timely File 2021 Annual Statement of Economic Interest

12 Morgan failed to timely file his 2021 Annual SEI by the April 1, 2022 due date, in violation of  
13 Government Code Section 87300.

14 Count 4: Failure to Timely File Leaving Office Statement of Economic Interest

15 Morgan failed to timely file his Leaving Office SEI by the September 12, 2022 due date, in  
16 violation of Government Code Section 87300.

17 Based on the Ex Parte Request given to me, I find that notice has been given to Morgan.<sup>4</sup> I further  
18 find, based on the PC Report and the Ex Parte Request, that there is probable cause to believe that Morgan  
19 violated the Political Reform Act as alleged in Counts 1-4, as identified above.

20 //  
21 //  
22 //  
23 //  
24 //

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

27 <sup>3</sup> Because the PC Report was served on May 2, 2024, the statute of limitations ran on the first violation stated in the PC  
Report before service was made. Therefore, that violation is not included in this Finding of Probable Cause.

28 <sup>4</sup> Government Code § 83115.5; Cal. Code Reg., tit. 2, §18361.4, subd. (c).

1 I therefore direct that the Enforcement Division issue an accusation against Morgan in accordance  
2 with this finding.

3

4 IT IS SO ORDERED.

5

6

7 Dated: June 28, 2024



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8

Hearing Officer  
Fair Political Practices Commission

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**FPPC No. 2022-00075, In the matter of DAMIAN MORGAN,**

**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.

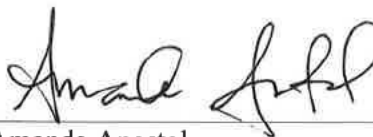
**SERVICE LIST**

Damian Morgan  


**(By Personal Service) On Friday, June 28, 2024, at approximately 11:00 a.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 June 28, 2024.



Amanda Apostol

**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. 22/075  
12 )  
13 DAMIAN MORGAN ) **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 **B. Regulation 18730 and Liability for Violation**

2 9. The Act requires every state and local agency to develop a Conflict of Interest Code.<sup>7</sup> These  
3 codes must designate those officials who participate in making decisions which may foreseeably have a  
4 material financial effect on any financial interest belonging to that official and require those designated  
5 officials to disclose all reportable interests on SEIs.<sup>8</sup> The requirements of an agency’s Conflict of Interest  
6 Code have the force of law, and any violations of those requirements is deemed a violation of the Act.<sup>9</sup>

7 **C. Duty to Timely File Annual Statements of Economic Interest**

8 10. The Act requires every designated official to annually file a statement disclosing their  
9 investments, interests in real property, and income by filing a SEI by April 1 of each year.<sup>10</sup> When April  
10 1 falls on a weekend or holiday, the filing deadline is extended to the next regular business day.<sup>11</sup> Failure  
11 to comply with the disclosure requirements is a violation of the Act.<sup>12</sup>

12 **D. Duty to Timely File Leaving Office Statement of Economic Interest**

13 11. The Act requires all employees leaving designated positions to file statements of economic  
14 interest (“SEI”) within 30 days after leaving office.<sup>13</sup> If a statement or report is required to be filed before  
15 or on a specified date, and the filing deadline falls on a Saturday, Sunday, or official state holiday, the filing  
16 deadline for the statement or report shall be extended to the next regular business day.<sup>14</sup> Leaving Office SEIs  
17 shall disclose any reportable investments, interests in real property, and business positions held on the  
18 date of assuming office and income received during the 12 months prior to the date of assuming office or  
19 the date of being appointed or nominated, respectively.<sup>15</sup>

20 **E. Marin City CSD’s Conflict of Interest Code**

21 12. Marin City CSD’s Conflict of Interest Code designated Board Members of the Marin  
22 City CSD as a position required to disclose all business interests from which members derive personal  
23 income, or in which they have a management position, if said business interest does now or may, in the

24 <sup>7</sup> Section 87300.

25 <sup>8</sup> Section 87302, subd. (a).

26 <sup>9</sup> Section 87300.

27 <sup>10</sup> Sections 87200 and 87203; Regulation 18723, subd. (b)(2).

28 <sup>11</sup> Regulation 18116, subd. (a).

<sup>12</sup> Section 87300.

<sup>13</sup> Section 87302, subd. (b).

<sup>14</sup> Section 81005.

<sup>15</sup> Regulation 18730, subd. (b)(5)(D).

1 foreseeable future do business with the Marin City CSD or owns real property located within the Marin  
2 City CSD or within two miles of its boundaries.<sup>16</sup> Board Members shall also disclose ownership of real  
3 property located within the Marin City CSD or within two miles of its boundaries.<sup>17</sup> Additionally, the  
4 Marin City CSD incorporated by reference Regulation 18730 into its Conflict of Interest Code.<sup>18</sup>

5 **D. Factors to be Considered by the Fair Political Practices Commission**

6 13. In framing a proposed order following a finding of a violation pursuant to Government  
7 Code Section 83116, the Commission and the administrative law judge shall consider all the  
8 surrounding circumstances including but not limited to the following factors set forth in Regulation  
9 18361.5 subdivision (e)(1) through (8): (1) The extent and gravity of the public harm caused by the  
10 specific violation; (2) The level of experience of the violator with the requirements of the Political  
11 Reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence  
12 or absence of any intention to conceal, deceive or mislead; (5) Whether the violation was deliberate,  
13 negligent or inadvertent; (6) Whether the violator demonstrated good faith by consulting the  
14 Commission staff or any other governmental agency in a manner not constituting complete defense  
15 under Government Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern  
16 and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and  
17 (8) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide  
18 full disclosure.<sup>19</sup>

19 **GENERAL FACTS**

20 14. Morgan was appointed as a Board Member to the City of Marin City Community  
21 Services District on January 11, 2018, for a four-year term. He is left the position on August 11, 2022.

22 15. Morgan failed to timely file a 2018 Annual SEI by April 2, 2019 deadline.<sup>20</sup> Morgan filed  
23 the 2018 Annual SEI late on April 29, 2019.

24 //

25 \_\_\_\_\_  
26 <sup>16</sup> Conflict of Interest Code for Marin City Community Services District of Marin County approved by the Marin  
County Board of Supervisors.

27 <sup>17</sup> *Ibid.*

28 <sup>18</sup> *Ibid.*

<sup>19</sup> Regulation 18361.5, subdivision (e).

<sup>20</sup> The due date was April 2, 2019 because April 1, 2019 was a state holiday (Cesar Chavez Day, observed).



1 16. Morgan failed to timely file a 2019 Annual SEI by the June 1, 2020 deadline.<sup>21</sup>

2 17. The Marin County Elections Department (“Marin County”) contacted Morgan on June 4,  
3 2020 to remind him of his obligation to file a 2019 Annual SEI.

4 18. Morgan failed to timely file a 2020 Annual SEI by the April 1, 2021 deadline.

5 19. Marin County contacted Morgan three times in writing on April 16, 2021, May 21, 2021,  
6 and May 3, 2021, to remind him of his obligation to file a 2020 Annual SEI.

7 20. After not receiving compliance, Marin County referred the matter to the Enforcement  
8 Division on July 8, 2021.

9 21. Morgan failed to timely file a 2021 Annual SEI by the April 1, 2022 deadline.

10 22. Morgan left the position on August 11, 2022 and failed to timely file a Leaving Office  
11 SEI by the September 12, 2022 due date.<sup>22</sup>

12 23. The Enforcement Division contacted Morgan numerous times to gain compliance. On  
13 December 21, 2023, the Enforcement Division engaged in effective communication with Morgan and  
14 reminded him of his duty to file his outstanding SEIs. After initially responding, Morgan did not comply  
15 and failed to respond to any communication after January 23, 2024.

16 24. On July 17, 2024, Morgan reached out to the Enforcement Division and notified them he  
17 would file his outstanding SEIs.

18 25. The Enforcement Division engaged in effective communication with Morgan via email  
19 and reminded him of his duty to file his outstanding SEIs on July 17, 2024. After initially responding  
20 and reiterating he would comply, Morgan failed to respond to any communication as of August 5, 2024.

21 26. To date, Marin County has confirmed that Morgan has not filed any of his outstanding  
22 SEIs.

### 23 **PROCEDURAL HISTORY**

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

---

27 <sup>21</sup> At the Commission Meeting on Thursday, April 2, 2020, the Commission extended the due date for the 2019 Annual  
SEI to June 1, 2020 due to the COVID-19 pandemic.

28 <sup>22</sup> 30 days after August 11, 2022 was September 10, 2022, which fell on Saturday, so the due date was extended to  
September 12, 2022.

1 regarding probable cause proceedings for the Commission, and selected regulations of the Commission  
2 regarding probable cause proceedings.

3 28. Morgan was mailed the PC Report via certified mail on April 9, 2024 and it was returned  
4 to the Enforcement Division by the post office on May 2, 2024.<sup>23</sup> The information contained in the PC  
5 Report packet advised Morgan that he had 21 days in which to request a probable cause conference, file a  
6 written response to the PC Report, or both. During the 21 days that followed service of the PC Report,  
7 Morgan did not file a response to the PC Report or request a probable cause conference.

8 29. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an  
9 Accusation Be Prepared and Served (“Ex Parte Request”), dated June 24, 2024, the Enforcement Division  
10 submitted the matter to the Hearing Officer for a determination of probable cause.

11 30. On or about June 28, 2024, the Hearing Officer issued an order finding, based on the Ex  
12 Parte Request and the PC Report, that there was probable cause to believe Morgan violated the Act and  
13 directed the Enforcement Division to issue an Accusation against Morgan in accordance with the  
14 finding.<sup>24</sup>

### 15 **VIOLATIONS**

16 31. Morgan committed 4 violations of the Act as follows:

#### 17 **Count 1**

#### 18 **Failure to Timely File a 2019 Annual SEI**

19 32. Complainant incorporates paragraphs 1–31 of this Accusation, as though completely set  
20 forth herein.

21 33. Morgan, as a designated official, had a duty under the Act to file a 2019 Annual SEI by  
22 June 1, 2020.

23 34. Morgan failed to timely file his 2019 Annual SEI by the June 1, 2020 due date.  
24  
25  
26

---

27 <sup>23</sup> Regulation 83115.5.

28 <sup>24</sup> Because the PC Report was served on May 2, 2024, the statute of limitations ran on the first violation stated in the PC Report before service was made. Therefore, that violation was not included in the Ex Parte Request for a Finding of Probable Cause or the Order Finding Probable Cause.



1 47. By failing to file his Leaving Office SEI by the September 12, 2022 deadline, Morgan  
2 violated Government Code section 87300.

3  
4 **MITIGATING OR EXCULPATORY FACTORS**

5 48. The Enforcement Division is not aware of mitigating or exculpatory factors.

6 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

7 18. Morgan is aware of his filing obligations due to his position as Board Member for Marin City  
8 CSD as he filed a 2018 Annual SEI.

9 19. Moreover, Morgan has a prior enforcement history with the Commission for failing to file a  
10 pre-election campaign statement by the September 29, 2022 deadline as a candidate for the Tamalpais  
11 Union High School District Board. Morgan was served with a warning letter and the case was resolved  
12 without administrative prosecution.


13 **PRAYER**

14 WHEREFORE, Complainant prays as follows:

- 15 1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and  
16 Regulation 18361.5, and at such hearing find that Morgan violated the Act as alleged herein;
- 17 2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
18 order Morgan to pay a monetary penalty of up to \$5,000 for the violation of the Political  
19 Reform Act alleged in **Count 1**;
- 20 3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
21 order Morgan to pay a monetary penalty of up to \$5,000 for the violation of the Political  
22 Reform Act alleged in **Count 2**;
- 23 4. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
24 order Morgan to pay a monetary penalty of up to \$5,000 for the violation of the Political  
25 Reform Act alleged in **Count 3**;
- 26 5. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
27 order Morgan to pay a monetary penalty of up to \$5,000 for the violation of the Political  
28 Reform Act alleged in **Count 4**;

- 1           6.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (b),  
2                     order Morgan to file the outstanding SEIs alleged in **Counts 1-4**.
- 3           7.     That the Fair Policial Practices Commission, pursuant to Regulation 18361.5, subdivision  
4                     (e), consider the following factors in framing a proposed order following a finding of a  
5                     violation pursuant to Section 83116: (1) The extent and gravity of the public harm caused  
6                     by the specific violation; (2) The level of experience of the violator with the requirements  
7                     of the Political Reform Act; (3) Penalties previously imposed by the Commission in  
8                     comparable cases; (4) The presence or absence of any intention to conceal, deceive or  
9                     mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the  
10                    violator demonstrated good faith by consulting the Commission staff or any other  
11                    governmental agency in a manner not constituting complete defense under Government  
12                    Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern and  
13                    whether the violator has a prior record of violations of the Political Reform Act or similar  
14                    laws; and (8) Whether the violator, upon learning of a reporting violation, voluntarily filed  
15                    amendments to provide full disclosure.
- 16           8.     That the Fair Political Practices Commission grant such other and further relief as it deems  
17                    just and proper.

18  
19     Dated: September 25, 2024

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

**Exhibit A-6**

**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, California 95811. On September 25, 2024, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 22/075: Accusation;
3. Notice of Defense (Two Copies);
4. Packet of California Government Code Sections 11506 through 11508
5. Consent to Electronic Service Agreement.

By Personal Delivery. I personally delivered the document(s) listed above to the person(s) at the address(es) as shown on the service list below.

By personal service. At 4:59 p.m.:

I personally delivered the document(s) listed above to the person(s) at the address(es) as shown on the service list below.

By providing the document(s) listed above with instructions for registered process server to personally deliver the envelope(s) to the person(s) at the address(es) set forth on the service list below. **The signed proof of service by the registered process server will be attached as soon as it is available.**

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

**SERVICE LIST**

**Damian Morgan**  
[REDACTED]  
[REDACTED]

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 25, 2024.

*Suzanna Gevorkeyan*  
\_\_\_\_\_  
Suzanna Gevorkeyan

AFFIDAVIT OF SERVICE

<b>Case:</b> FPPC No. 22/075	<b>Court:</b> Before The Fair Political Practices Commission	<b>County:</b>	<b>Job:</b> 11990533
<b>Plaintiff / Petitioner:</b> In the Matter of: DAMIAN MORGAN		<b>Defendant / Respondent:</b>	
<b>Received by:</b> Dominic May		<b>For:</b> Fair Political Practices Commission	
<b>To be served upon:</b> DAMIAN MORGAN			

I, Dominic May, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** Damian Morgan, [REDACTED]

**Manner of Service:** Substitute Service - Abode, Oct 20, 2024, 3:24 pm PDT

**Documents:** STATEMENT TO RESPONDENT, ACCUSATION FPPC CASE NO. 22/075, NOTICE OF DEFENSE , CALIFORNIA GOVERNMENT CODE SECTIONS 11506 THROUGH 11508 , OFFICE OF ADMINISTRATIVE HEARINGS STATE OF CALIFORNIA CONSENT TO ELECTRONIC SERVICE (E SERVICE OR "SFT" AGREEMENT, PRIVACY NOTICE, PROOF OF SERVICE

**Additional Comments:**

1) Unsuccessful Attempt: Oct 16, 2024, 2:48 pm PDT at [REDACTED]  
No answer at the residence.

2) Unsuccessful Attempt: Oct 17, 2024, 4:29 pm PDT at [REDACTED]  
No answer at the residence.

3) Successful Attempt: Oct 20, 2024, 3:24 pm PDT at [REDACTED] 5 received by Jane Doe. Age: 60; Ethnicity: African American; Gender: Female; Weight: 180; Height: 5'5"; Hair: Brown; Eyes: Brown; Relationship: Roommate  
African American woman said that she knew Damian however he was not present. She refused to give a name and quickly closed the door. She said that I can slide the documents through the door.

**Fees:** \$ 125.00



10/21/2024

Dominic May  
#2024-0001558 San Francisco

Date

Rhino Investigations and Process Serving  
421 Grand Avenue Suite A  
South San Francisco, CA 94080  
833 711 3400



**Exhibit A-7**

STATEMENT OF ECONOMIC INTERESTS

RECEIVED  
Date Initial Filing Received  
Official Use Only

APR 29 2019

MARIN COUNTY  
ELECTIONS

COVER PAGE

A PUBLIC DOCUMENT

Please type or print in ink.

NAME OF FILER (LAST)

Morgan

(FIRST)

Damian

(MIDDLE) NS

1. Office, Agency, or Court

Agency Name (Do not use acronyms)

Marin City Community Services District

Division, Board, Department, District, if applicable

Your Position

Board member

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

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

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

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

State

Judge or Court Commissioner (Statewide Jurisdiction)

Multi-County \_\_\_\_\_

County of \_\_\_\_\_

City of

Marin City

Other \_\_\_\_\_

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

Annual: The period covered is January 1, 2018, through December 31, 2018.

Leaving Office: Date Left \_\_\_\_\_

(Check one circle.)

-or-

The period covered is \_\_\_\_\_, through December 31, 2018.

The period covered is January 1, 2018, through the date of leaving office.

-or-

Assuming Office: Date assumed \_\_\_\_\_

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: \_\_\_\_\_

Schedules attached

Schedule A-1 - Investments - schedule attached

Schedule C - Income, Loans, & Business Positions - schedule attached

Schedule A-2 - Investments - schedule attached

Schedule D - Income - Gifts - schedule attached

Schedule B - Real Property - schedule attached

Schedule E - Income - Gifts - Travel Payments - schedule attached

-or-  None - No reportable interests on any schedule

5. Verification

716 Drake ave

Marin City

CA

94965

MAILING ADDRESS

STREET

CITY

STATE

ZIP CODE

(Business or Agency Address Recommended - Public Document)

DAYTIME TELEPHONE NUMBER

(415) 251 7950

EMAIL ADDRESS

morganeconomics@gmail.com

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

4/29/19

(month, day, year)

Signature

*[Handwritten Signature]*

(File the originally signed paper statement with your filing official.)

**Exhibit A-8**

## Miller, Dan

---

**From:** Miller, Dan  
**Sent:** Friday, April 16, 2021 3:52 PM  
**To:** Miller, Dan  
**Subject:** Late Notice: Annual Statement of Economic Interests Form 700

Tracking:	Recipient	Delivery
	Miller, Dan	Delivered: 4/16/2021 3:52 PM
	Lynnette Egenlauf legenlauf@marincitycsd.com hemmanuelmims@marincitycsd.com tgreen@marincitycsd.com dmorgan@marincitycsd.com Damian Morgan [REDACTED]	
	Amy Van Doren [REDACTED] leighton.hills@muirbeachcsd.com [REDACTED] steve@planbwiz.com davidhtaylor@aya.yale.edu [REDACTED]	
	Alex Johnson Cale Nichols [REDACTED]	

### ***Late Notice: Annual Statement of Economic Interests Form 700***

Your Annual Statement of Economic Interests Form 700 report has not been received by our office. The report was due no later than April 1, 2021. Please file immediately.

This filing accounts for the year *2020*.

You can e-file your statement using our filing program, or download the paper version Form 700 online at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Contact our office if you need a copy of your agency's Conflict of Interest Code.

When you've completed the report please deliver to Room 121, or regular mail the original to PO Box E, San Rafael, 94913. (***Copies are not acceptable***).

Sincerely,

Dan Miller 

**CANDIDATE & FILING SERVICES**

County of Marin Elections Department  
3501 Civic Center Drive, Suite 121  
PO Box E, San Rafael, CA 94913  
415 473 6437  
[www.marinvotes.org](http://www.marinvotes.org)

## Miller, Dan

---

**From:** Miller, Dan  
**Sent:** Thursday, June 4, 2020 5:03 PM  
**To:** Miller, Dan  
**Subject:** Late Notice: Annual Statement of Economic Interests Form 700

### ***Late Notice: Annual Statement of Economic Interests Form 700***

Your Annual Statement of Economic Interests Form 700 report has not been received by our office. The report was due no later than June 1, 2020. Please file immediately.

This filing accounts for the year *2019*.

You can e-file your statement using our filing program, or download the paper version Form 700 online at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Contact our office if you need a copy of the jurisdiction's Conflict of Interest Code.

When you've completed the report please regular mail the original to PO Box E, San Rafael, 94913.

(Copies are not acceptable).

Sincerely,

*Dan Miller* 

*CANDIDATE & FILING SERVICES*

**County of Marin Elections Department**

**3501 Civic Center Drive, Suite 121**

**PO Box E, San Rafael, CA 94913**

**415 473 6437**

[danmiller@marincounty.org](mailto:danmiller@marincounty.org)

STAY CONNECTED:



**Miller, Dan**

---

**From:** Microsoft Outlook  
**To:** Damian Morgan  
**Sent:** Thursday, June 4, 2020 5:04 PM  
**Subject:** Relayed: Late Notice: Annual Statement of Economic Interests Form 700

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[Damian Morgan \( \[REDACTED\] \)](#)

Subject: Late Notice: Annual Statement of Economic Interests Form 700

## Miller, Dan

---

**From:** Miller, Dan  
**Sent:** Friday, June 26, 2020 12:18 PM  
**To:** DON LANCASTER  
**Subject:** RE: Marin City Community Services District Election Information

Thanks Don.

I have you in the e-file system if you want to use it, and I've requested a password for you. You'll soon receive an email asking you to confirm your request to use the program. You must confirm within 24 hours by following the directions in the email.

After you confirm, the system will provide a password. After you're in the program you can change your password to your own liking.

Let me know if you need assistance.

Best,

Dan Miller 

*CANDIDATE & FILING SERVICES*

**County of Marin Elections Department**  
**3501 Civic Center Drive, Suite 121**  
**PO Box E, San Rafael, CA 94913**  
**415 473 6437**  
**[www.marinvotes.org](http://www.marinvotes.org)**

STAY CONNECTED:



---

**From:** DON LANCASTER <dlancaster@marincitycsd.com>  
**Sent:** Friday, June 26, 2020 8:47 AM  
**To:** Miller, Dan <DanMiller@marincounty.org>  
**Subject:** Re: Marin City Community Services District Election Information

Thank you Dan.

I started on May 11, 2020. I serve as a commissioner in the city in which I live, I don't know if that matters for the form 700 purposes.

As for the Board Members, I will make sure they have that information.

Best,

Don Lancaster  
Interim General Manager  
**Office Location**  
Marin City Community Services District  
640 Drake Avenue, 94965

**Mailing Address**

P.O. Box 366  
Sausalito, CA 94965

**Telephone Number**

(415) 332-1441

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



---

**From:** Miller, Dan <[DanMiller@marincounty.org](mailto:DanMiller@marincounty.org)>  
**Sent:** Friday, June 26, 2020 8:22 AM  
**To:** DON LANCASTER <[dlancaster@marincitycsd.com](mailto:dlancaster@marincitycsd.com)>  
**Subject:** RE: Marin City Community Services District Election Information

Received, thank you Don.

On another issue, are you aware of the Statement of Economic Interests Form 700? All elected officials and the 'head of the agency' (district managers) are required to file the Form 700 with me annually, even when assuming or leaving office.

I haven't received the annual 700 from Nancy or Damian. Before I send my last late notice could you possibly remind them?

Also, you'll need to file an assuming office 700 as well. Attached is the PDF version. I have an e-file system if you'd rather use that. Let me know your start date and I'll have it ready if you'd like.

Thanks again,

*Dan Miller* 

*CANDIDATE & FILING SERVICES*

**County of Marin Elections Department**  
3501 Civic Center Drive, Suite 121  
PO Box E, San Rafael, CA 94913  
415 473 6437  
[www.marinvotes.org](http://www.marinvotes.org)

STAY CONNECTED:





## Miller, Dan

---

**From:** DON LANCASTER <dlancaster@marincitycsd.com>  
**Sent:** Monday, May 3, 2021 2:07 PM  
**To:** Miller, Dan  
**Subject:** Re: Form 700 filers

Thank you Dan.

I will contact them all asap.

Best,

Don Lancaster  
Interim General Manager  
**Office Location**  
Marin City Community Services District  
640 Drake Avenue, 94965  
**Mailing Address**  
P.O. Box 366  
Sausalito, CA 94965  
**Telephone Number**  
(415) 332-1441  
[www.marincitycsd.com](http://www.marincitycsd.com)



---

**From:** Miller, Dan <DanMiller@marincounty.org>  
**Sent:** Monday, May 3, 2021 1:56 PM  
**To:** DON LANCASTER <dlancaster@marincitycsd.com>  
**Subject:** Form 700 filers

Hi Don,  
I hope you're doing well.  
I'm having a problem with your Directors and their Form 700. The following have not filed: Lynette, Terrie, Henry, and Damian.

If you could remind them of their requirement to file I would greatly appreciate it. Please also mention if they do not file then I have to let the State know, and somehow and at some point a fine may be assessed.

Thank you kindly,

*Dan Miller*   
*CANDIDATE & FILING SERVICES*

**County of Marin Elections Department**  
**3501 Civic Center Drive, Suite 121**  
**PO Box E, San Rafael, CA 94913**  
**415 473 6437**  
**[www.marinvotes.org](http://www.marinvotes.org)**

STAY CONNECTED:



Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

## Miller, Dan

---

**From:** Miller, Dan  
**Sent:** Monday, May 3, 2021 2:44 PM  
**To:** Miller, Dan  
**Subject:** Second Late Notice: Annual Statement of Economic Interests Form 700

**Tracking:**

**Recipient**

**Delivery**

Miller, Dan

Delivered: 5/3/2021 2:44 PM

Lynnette Egenlauf

legenlauf@marincitycsd.com

hemmanuelmims@marincitycsd.com

tgreen@marincitycsd.com

dmorgan@marincitycsd.com

Damian Morgan

[REDACTED]  
Amy Van Doren

davidhtaylor@aya.yale.edu  
[REDACTED]

***Late Notice: Annual Statement of Economic Interests Form 700***

Your Annual Statement of Economic Interests Form 700 report has not been received by our office. The report was due no later than April 1, 2021. Please file immediately.

This filing accounts for the year *2020*.

You can e-file your statement using our filing program, or download the paper version Form 700 online at [www.fppc.ca.gov](http://www.fppc.ca.gov).

Contact our office if you need a copy of your agency's Conflict of Interest Code.

When you've completed the report please deliver to Room 121, or regular mail the original to PO Box E, San Rafael, 94913. (***Copies are not acceptable***).

Sincerely,

Dan Miller 

**CANDIDATE & FILING SERVICES**

**County of Marin Elections Department**  
3501 Civic Center Drive, Suite 121  
PO Box E, San Rafael, CA 94913  
415 473 6437  
[www.marinvotes.org](http://www.marinvotes.org)

STAY CONNECTED:



## Miller, Dan

---

**From:** Miller, Dan  
**Sent:** Friday, May 21, 2021 1:17 PM  
**To:** Miller, Dan  
**Subject:** Final Late Notice: Annual Statement of Economic Interests Form 700

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>
	Miller, Dan	Delivered: 5/21/2021 1:17 PM
	Lynnette Egenlauf legenlauf@marincitycsd.com hemmanuelmims@marincitycsd.com tgreen@marincitycsd.com dmorgan@marincitycsd.com Damian Morgan [REDACTED] [REDACTED] dager@nicasioschool.org Richard Sloan IHSS Public Authority Of Marin mariag@pa-marin.org michael@pa-marin.org roger@pa-marin.org Roger Rose [REDACTED] cynthia@pa-marin.org vonderl@sutterhealth.org rdonoghue@meyersnave.com	
	Davidson, Berenice	Delivered: 5/21/2021 1:17 PM
	Jensen, Dan	Delivered: 5/21/2021 1:17 PM
	Swenerton, Betsy [REDACTED]	Delivered: 5/21/2021 1:17 PM
	Martinovich, Mina Sleepy Hollow Fire Protection Dist adar@bolinas-stinson.org	Delivered: 5/21/2021 1:17 PM
	Grey, Solange Marin City CSD	Delivered: 5/21/2021 1:17 PM

### ***Final Late Notice: Annual Statement of Economic Interests Form 700***

Your Annual Statement of Economic Interests Form 700 has not been received by our office. The report was due no later than April 1, 2021.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10 per day, up to a maximum of \$100 in addition to any administrative

penalty (up to the statutory maximum, currently \$5,000) imposed by the Fair Political Practices Commission (FPPC). Failure to file by **June 4, 2021** may result in fines of no less than \$100. You can e-file your statement using our filing program, or download the paper version Form 700 online at [www.fppc.ca.gov](http://www.fppc.ca.gov). Contact our office if you need a copy of your agency's Conflict of Interest Code. When you've completed the report please deliver to Room 121, or regular mail the original to PO Box E, San Rafael, 94913. (*Copies are not acceptable*). Sincerely,

*Dan Miller*   
*CANDIDATE & FILING SERVICES*

**County of Marin Elections Department**  
**3501 Civic Center Drive, Suite 121**  
**PO Box E, San Rafael, CA 94913**  
**415 473 6437**  
**[www.marinvotes.org](http://www.marinvotes.org)**

STAY CONNECTED:



**Exhibit A-9**



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

December 24, 2024

Damian Morgan  
[REDACTED]

**NOTICE OF DEFAULT DECISION AND ORDER**

**Re: FPPC No. 22/00075 In the Matter of Damian Morgan**

Dear Damian Morgan:

On October 20, 2024, you were served by substitute service 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 January 16, 2025. 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 February 13, 2025 and impose an administrative penalty of \$16,000 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

---

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

**Exhibit A-10**





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

January 30, 2025

Damian Morgan  
[REDACTED]

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

**Re: FPPC Case No. 22/00075; In the Matter of Damian Morgan**

Dear Damian Morgan:

On October 20, 2024 you were served by substitute service 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 January 16, 2025. The Commission will be asked to adopt the default at its public meeting scheduled for February 13, 2025 and impose an administrative penalty of \$16,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on February 13, 2025 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 February 13, 2025 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*