

1 ANGELA J. BRERETON
2 Chief of Enforcement
3 MICHAEL W. HAMILTON
4 Commission Counsel
5 **FAIR POLITICAL PRACTICES COMMISSION**
6 1102 Q Street, Suite 3000
7 Sacramento, CA 95811
8 Telephone: (916) 322-5772

9 Attorneys for Complainant
10 Enforcement Division of the Fair Political Practices Commission

11 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

12 **STATE OF CALIFORNIA**

13 In the Matter of

14 YARBROUGH FOR VAL VERDE SCHOOL
15 BOARD 2014 and D. SHELLY
16 YARBROUGH,

17 Respondents.

) FPPC No.: 16/117

)
) **DEFAULT DECISION AND**
) **ORDER**

) (Government Code Sections 11506
) and 11520)

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

21 Pursuant to the California Administrative Procedure Act,¹ Yarbrough for Val Verde School Board
22 2014 (the “Committee”) and D. Shelly Yarbrough (“Yarbrough”) have been served with all of the
23 documents necessary to conduct an administrative hearing regarding the above-captioned matter,
24 including the following:

- 25 1. An Order Finding Probable Cause;
- 26 2. An Accusation;
- 27 3. A Notice of Defense (Two Copies per Respondent);

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

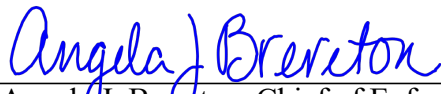
1 4. A Statement to Respondent; and

2 5. Copies of Sections 11506, 11507.5, 11507.6 and 11507.7 of the Government Code.

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

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

15
16 Dated: 01/25/2021



Angela J. Brereton, Chief of Enforcement
Fair Political Practices Commission

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19
20 **ORDER**

21 The Commission issues this Default Decision and Order and imposes a total administrative
22 penalty of \$21,800 upon Yarbrough for Val Verde School Board 2014 and D. Shelly Yarbrough, payable
23 to the "General Fund of the State of California."

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

26
27 Dated: _____

Richard C. Miadich, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent D. Shelly Yarbrough (“Yarbrough”) was a successful incumbent candidate for the Val Verde Unified School District Governing Board (the “Board”) in the November 4, 2014 General Election. Her term expired in 2018. Respondent Yarbrough for Val Verde School Board 2014 (the “Committee”) is Yarbrough’s candidate-controlled committee formed in connection with the 2014 election. Yarbrough serves as the Committee’s treasurer.

The Political Reform Act (the “Act”)¹ requires recipient committees to timely file semi-annual campaign statements and pay \$50 annual fees to the Secretary of State (the “SOS”).

This matter arose out of a referral submitted by the SOS to the Fair Political Practices Commission’s (the “Commission”) Enforcement Division regarding the Committee’s failure to timely pay \$50 annual fees.

As a controlled committee, its candidate, and its treasurer, the Committee and Yarbrough failed to timely file seven semi-annual campaign statements for the reporting periods of January 1, 2014 through December 31, 2017. The Committee and Yarbrough also failed to timely pay \$50 annual fees for 2014, 2016, 2017, and 2018, and the associated \$150 penalties.

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.² Notice of the hearing, and the hearing itself, must be conducted in accordance with the Administrative Procedure Act (the “APA”).³ 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.⁴

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

¹ The Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission (“Commission”) are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Section 83116.

³ The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code; Section 83116.

⁴ Section 11503.

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.⁵

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.⁶ Moreover, when a respondent fails to file a Notice of Defense, the Commission may take action based on the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to the respondent.⁷

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.⁸

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.⁹ 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.¹⁰

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.¹¹

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-16, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against the Committee and Yarbrough in this matter by serving them with a

⁵ Section 11506, subd. (a)(1)–(6).

⁶ Section 11506, subd. (c).

⁷ Section 11520, subd. (a).

⁸ Section 91000.5, subd. (a).

⁹ Section 83115.5.

¹⁰ Section 83115.5.

¹¹ Section 91000.5.

Report in Support of a Finding of Probable Cause (the “Report”) (Certification, Exhibit A-1) by certified mail.¹² The Committee and Yarbrough’s agent was served with the Report on March 7, 2018. (Certification, Exhibit A-2.) The administrative action commenced on March 7, 2018, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on the Committee and Yarbrough contained a cover letter and a memorandum describing probable cause proceedings, advising that the Committee and Yarbrough had 21 days in which to request a probable cause conference and/or to file a written response to the Report. (Certification, Exhibit A-3.) The Committee and Yarbrough 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 the Committee and Yarbrough 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 August 14, 2018. (Certification, Exhibit A-4.)

On September 4, 2018, the Hearing Officer, Legal Division, John M. Feser, Jr., issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on the Committee and Yarbrough. (Certification, Exhibit A-5.)

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.¹³

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

¹² Section 83115.5.

¹³ Regulation 18361.4, subd. (e).

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 of Sections 11507.5, 11507.6, and 11507.7.¹⁴ The APA also sets forth the language required in the accompanying statement to the respondent.¹⁵

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.¹⁶

On June 17, 2020, the Commission's Chief of Enforcement, Galena West, issued an Accusation against the Committee and Yarbrough. (Certification, Exhibit A-6.) In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form for each respondent, copies of Government Code Sections 11506, 11507.5, 11507.6, and 11507.7, were served upon the Committee and Yarbrough by personal service on June 24, 2020. (Certification, Exhibit A-7.)

Along with the Accusation, the Enforcement Division served the Committee and Yarbrough 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-8.) The Committee and Yarbrough did not file a Notice of Defense within the statutory time period, which ended on July 9, 2020.

As a result, on December 8, 2020, the Enforcement Division sent a letter to the Committee and Yarbrough advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for February 18, 2021. (Certification, Exhibit A-15.)

On January 26, 2021, the Enforcement Division sent another letter to the Committee and Yarbrough advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for February 18, 2021. (Certification, Exhibit A-16.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

¹⁴ Section 11505, subd. (a).

¹⁵ Section 11505, subd. (b).

¹⁶ Section 11505, subd. (c).

SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. The violations in this case occurred between 2014 and 2018. 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 ensure voters are fully informed and improper practices are inhibited by requiring all candidates, as well as the committees that support or oppose them, to disclose all contributions and expenditures made throughout a campaign.¹⁷ Along these lines, the Act includes a comprehensive campaign reporting system.¹⁸

In 2014, the Act defined a "committee" as any person or combination of persons who received contributions totaling \$1,000 or more in a calendar year,¹⁹ commonly known as a "recipient committee." A recipient committee which is controlled directly or indirectly by a candidate, or which acts jointly with a candidate in connection with the making of expenditures, is a "controlled committee."²⁰ A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee.²¹

The Act requires candidates and their controlled committees to file campaign statements at specific times disclosing information regarding contributions received and expenditures made by the campaign committees.²² A controlled committee must file two semi-annual campaign statements each year no later than July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.²³ When the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for such a statement is extended to the next regular business day.²⁴ If a committee has not previously filed a campaign statement, a period covered by the first campaign statement begins on January 1.²⁵

Under the Act, each committee required to file a statement of organization must pay the SOS a \$50 annual fee no later than 15 days after filing its statement of organization and then by January 15 every year thereafter until the committee is terminated.²⁶ A committee that is created and pays the initial fee in the final three months of a calendar year is not subject to the annual fee for the following calendar year.²⁷ A committee that fails to timely pay the \$50 annual fee is subject

¹⁷ Section 81002, subd. (a).

¹⁸ Section 84200, *et seq.*

¹⁹ Former Section 82013, subd. (a).

²⁰ Section 82016, subd. (a).

²¹ Section 82016, subd. (a).

²² See Section 84200, *et seq.*

²³ Section 84200, subd. (a).

²⁴ Regulation 18116.

²⁵ Section 82046, subd. (b).

²⁶ Section 84101.5, subd. (a), (b), and (c)(1).

²⁷ Section 84101.5, subd. (c)(2).

to a penalty equal to three times the amount of the fee. The Commission is required to enforce this provision of the Act.²⁸

SUMMARY OF THE EVIDENCE

Yarbrough was a successful incumbent candidate for the Board in the November 4, 2014 General Election. She served on the Board since 2000 and did not run for re-election in 2018.

The Committee filed an initial statement of organization with the SOS on September 18, 2014 and indicated that it did not qualify as a recipient committee. (Certification, Exhibit A-9.) On October 29, 2014, the Committee filed a 24-hour contribution report after receiving a late contribution of \$1,000 on or around October 28, 2014. (Certification, Exhibit A-10.) On or around November 3, 2014, the Committee filed an amended statement of organization with the SOS reporting that it qualified as a recipient committee on October 28, 2014. (Certification, Exhibit A-11.)

The Committee and Yarbrough were required to pay the \$50 annual fee to the SOS no later than 15 days after filing the amended statement of organization and then by the January 15, 2016; January 15, 2017; and January 15, 2018 deadlines. Since the Committee qualified as a recipient committee in the final three months of 2014, it was not required to pay the \$50 annual fee by the January 15, 2015 deadline.

The SOS contacted the Committee and Yarbrough regarding this matter via U.S Mail on September 23, 2014; November 20, 2015; June 10, 2016; November 18, 2016; June 5, 2017; and September 4, 2018. (Certification, Exhibit A-12.) To date, the Committee and Yarbrough have not paid the required annual fees and penalties to the SOS.

The Committee was also required to file semi-annual campaign statements each year by January 31 and June 30. The Riverside County Registrar of Voters contacted the Committee and Yarbrough regarding this matter via U.S Mail on December 12, 2014; July 2, 2015; June 16, 2016; June 17, 2016; November 28, 2016; June 8, 2017; and December 28, 2017; (Certification, Exhibit A-13 and Exhibit A-14.) To date, the Committee and Yarbrough have not filed the following campaign statements:

Statement Type	Reporting Period	Date Due
Semi-annual	1/1/14 – 12/31/14	2/2/15
Semi-annual	1/1/15 – 6/30/15	7/31/15
Semi-annual	7/1/15 – 12/31/15	2/1/16
Semi-annual	1/1/16 – 6/30/16	8/1/16
Semi-annual	7/1/16 – 12/31/16	1/31/17
Semi-annual	1/1/17 – 6/30/17	7/31/17
Semi-annual	7/1/17 – 12/31/17	1/31/18

²⁸ Section 84101.5, subd. (d).

Summary of Contact

Overall, the Committee and Yarbrough were contacted at least seventeen times regarding their duties to file campaign statements and pay the \$50 annual fees, as follows:

- September 23, 2014: letter from the SOS
- July 2, 2015: letter from the Riverside County Registrar of Voters
- November 20, 2015: letter from the SOS
- December 12, 2015: letter from the Riverside County Registrar of Voters
- June 10, 2016: letter from the SOS
- June 16, 2016: letter from the Riverside County Registrar of Voters
- June 17, 2016: letter from the Riverside County Registrar of Voters
- November 18, 2016: letter from the SOS
- November 29, 2016: letter from the Riverside County Registrar of Voters
- June 5, 2017: letter from the SOS
- June 8, 2017: letter from the Riverside County Registrar of Voters
- December 28, 2017: letter from the Riverside County Registrar of Voters
- September 4, 2018: letter from the SOS
- March 7, 2018: Report in Support of a Finding of Probable Cause served
- September 5, 2018: copy of a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed to the Committee and Yarbrough
- June 24, 2020: Accusation served upon the Committee and Yarbrough
- December 8, 2020: letter from the Enforcement Division
- January 26, 2021: letter from the Enforcement Division

VIOLATIONS

The Committee and Yarbrough committed eleven violations of the Act as follows:

COUNT 1

Failure to Timely File a Semi-Annual Campaign Statement by February 2, 2015

The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement for the reporting period of January 1, 2014 through December 31, 2014, due on February 2, 2015. By failing to file the semi-annual campaign statement by February 2, 2015, the Committee and Yarbrough violated Government Code Section 84200.

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COUNT 2

Failure to Timely File a Semi-Annual Campaign Statement by July 31, 2015

The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement for the reporting period of January 1, 2015 through June 30, 2015, due on July 31, 2015. By failing to file the semi-annual campaign statement by July 31, 2015, the Committee and Yarbrough violated Government Code Section 84200.

COUNT 3

Failure to Timely File a Semi-Annual Campaign Statement by February 1, 2016

The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement for the reporting period of July 1, 2015 through December 31, 2015, due on February 1, 2016. By failing to file the semi-annual campaign statement by February 1, 2016, the Committee and Yarbrough violated Government Code Section 84200.

COUNT 4

Failure to Timely File a Semi-Annual Campaign Statement by August 1, 2016

The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement for the reporting period of January 1, 2016 through June 30, 2016, due on August 1, 2016. By failing to file the semi-annual campaign statement by August 1, 2016, the Committee and Yarbrough violated Government Code Section 84200.

COUNT 5

Failure to Timely File a Semi-Annual Campaign Statement by January 31, 2017

The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement for the reporting period of July 1, 2016 through December 31, 2016, due on January 31, 2017. By failing to file the semi-annual campaign statement by January 31, 2017, the Committee and Yarbrough violated Government Code Section 84200.

COUNT 6

Failure to Timely File a Semi-Annual Campaign Statement by July 31, 2017

The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement for the reporting period of January 1, 2017 through June 30, 2017, due on July 31, 2017. By failing to file the semi-annual campaign statement by July 31, 2017, the Committee and Yarbrough violated Government Code Section 84200.

COUNT 7

Failure to Timely File a Semi-Annual Campaign Statement by January 31, 2018

The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement for the reporting period of July 1, 2017 through December 31, 2017, due on January 31, 2018. By failing to file the semi-annual campaign statement by January 31, 2018, the Committee and Yarbrough violated Government Code Section 84200.

COUNT 8

Failure to Timely Pay \$50 Annual Fee for 2014

The Committee and Yarbrough had a duty to timely pay a \$50 annual fee for 2014 within 15 days after filing the Committee's statement of organization providing its date of qualification and had a duty to pay the resulting \$150 penalty. By failing to timely pay the \$50 annual fee for 2014 and by failing to pay the resulting \$150 penalty, the Committee and Yarbrough violated Government Code Section 84101.5, subdivisions (b) and (d).

COUNT 9

Failure to Timely Pay \$50 Annual Fee for 2016

The Committee and Yarbrough had a duty to timely pay a \$50 annual fee for 2016, due on January 15, 2016, and had a duty to pay the resulting \$150 penalty. By failing to timely pay the \$50 annual fee for 2016 and by failing to pay the resulting \$150 penalty, the Committee and Yarbrough violated Government Code Section 84101.5, subdivisions (c) and (d).

COUNT 10

Failure to Timely Pay \$50 Annual Fee for 2017

The Committee and Yarbrough had a duty to timely pay a \$50 annual fee for 2017, due on January 15, 2017, and had a duty to pay the resulting \$150 penalty. By failing to timely pay the \$50 annual fee for 2017 and by failing to pay the resulting \$150 penalty, the Committee and Yarbrough violated Government Code Section 84101.5, subdivisions (c) and (d).

COUNT 11

Failure to Timely Pay \$50 Annual Fee for 2018

The Committee and Yarbrough had a duty to timely pay a \$50 annual fee for 2018, due on January 15, 2018, and had a duty to pay the resulting \$150 penalty. By failing to timely pay the

\$50 annual fee for 2018 and by failing to pay the resulting \$150 penalty, the Committee and Yarbrough violated Government Code Section 84101.5, subdivisions (c) and (d).

CONCLUSION

This matter consists of 11 counts of violating the Act, which carry a maximum total administrative penalty of \$55,000.²⁹

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 (d)(1) through (6): (1) The seriousness of the violation; (2) The presence or absence of any intention to conceal, deceive or mislead; (3) Whether the violation was deliberate, negligent or inadvertent; (4) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code Section 83114(b); (5) 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 (6) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

In this matter, the Committee and Yarbrough failed to timely file seven semi-annual campaign statements and failed to timely pay \$50 annual fees and \$150 penalties for four years. The failure to comply with campaign filing obligations resulted in a lack of information for the voting public regarding the Committee's and Yarbrough's activity before and after the November 4, 2014 General Election. To date, the Committee and Yarbrough have not filed any campaign statements. The only disclosure was provided on a 24-hour contribution report filed on October 29, 2014, showing that the Committee qualified as a recipient committee before the 2014 election.

The Enforcement Division did not find any evidence that the Respondents intended to conceal, deceive, or mislead the public. However, Yarbrough is an experienced candidate and filer, having served on the Board since 2000 through 2018, so she knew or should have known of her obligations to file campaign statements. The Respondents' violations appear to have been negligent and a part of a consistent pattern of failing to file campaign statements.

Yarbrough has a history of violating the Act. In 2011, Yarbrough and her candidate-controlled committee Yarbrough 4 State Senate 2010 received a warning letter for failure to timely file two semi-annual campaign statements (FPPC Case No. 11/674). In 2015, Yarbrough and her candidate-controlled committee Yarbrough 4 Assembly 2014, received a warning letter for failure to timely file a semi-annual campaign statement in a paper format. (FPPC Case No. 15/101).

²⁹ Section 83116, subd. (c).

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.

Counts 1-7

- *In the Matter of Re-Elect Terry Cox for Central Unified School District Trustee Area 6, 2016, Terry Cox, and Julie Lim*; FPPC Case No. 17/382 (approved June 19, 2019) the Commission approved a penalty of \$3,000 per count against the respondents for failing to timely file semi-annual campaign statements. The committee reported receiving a total of \$14,590 in contributions and that they made \$7,508.88 in expenditures. The candidate was re-elected to the Central Unified School District Board of Trustees in the November 8, 2016 General Election. After the election, the committee continued to not timely file campaign statements. Eventually the committee filed its outstanding campaign statements and terminated the committee.

Regarding Counts 1-7, Yarbrough is deserving of the same penalty imposed by the Commission in the comparable case. In both cases, the respondents failed to timely file the semi-annual campaign statement covering the end of the election period and the subsequent semi-annual campaign statements. The campaign activity reported by the Committee and Yarbrough is far less than in the comparable case; however, this does not qualify them to receive a lower penalty because they have not filed their outstanding campaign statements as did the respondents in the comparable case. Therefore, a penalty of \$3,000 per count, totaling \$21,000 is recommended (7 Counts).

Count 8-11

- *In the Matter of Committee to Elect Marina Fraser, Marina Fraser, and Jackie M. Buckley*, FPPC No. 16/140. (The Commission approved a default decision on April 20, 2017.) The respondents, among other violations, failed to timely pay \$50 annual fees and \$150 penalties. The Commission imposed a penalty of \$200 per count. The same penalty is appropriate in the current matter.

PROPOSED PENALTY

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

Counts	Violations	Proposed Penalty per Count
1	Failure to Timely File Semi-Annual Campaign Statements	\$3,000
2	Failure to Timely File a Semi-Annual Campaign Statement	\$3,000
3	Failure to Timely File a Semi-Annual Campaign Statement	\$3,000
4	Failure to Timely File a Semi-Annual Campaign Statement	\$3,000

5	Failure to Timely File a Semi-Annual Campaign Statement	\$3,000
6	Failure to Timely File a Semi-Annual Campaign Statement	\$3,000
7	Failure to Timely File a Semi-Annual Campaign Statement	\$3,000
8	Failure to Timely Pay \$50 Annual Fee to SOS	\$200
9	Failure to Timely Pay \$50 Annual Fee to SOS	\$200
10	Failure to Timely Pay \$50 Annual Fee to SOS	\$200
11	Failure to Timely Pay \$50 Annual Fee to SOS	\$200
	Total:	\$21,800



**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 3000, 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. 16/117; Yarbrough for Val Verde School Board 2014 and D. Shelly Yarbrough* 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 5, 2018

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated March 5, 2018, and accompanying certified mail receipt and return receipt

EXHIBIT A-3: Cover letter to the Respondents regarding the Report in Support of a Finding of Probable Cause, dated March 5, 2018, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated August 14, 2018

- EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated September 4, 2018
- EXHIBIT A-6: Accusation, dated June 17, 2020
- EXHIBIT A-7: Proof of Service on June 24, 2020, for Accusation and accompanying documents from process server, dated June 26, 2020
- EXHIBIT A-8: Statement to Respondents, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated June 17, 2020
- EXHIBIT A-9: Initial statement of organization, filed on September 18, 2014
- EXHIBIT A-10: 24-hour contribution report, filed on October 29, 2014
- EXHIBIT A-11: Amended statement of organization, filed on November 3, 2014
- EXHIBIT A-12: Letters from the Secretary of State, dated September 23, 2014; November 20, 2015; June 10, 2016; November 18, 2016; June 5, 2017; and September 4, 2018
- EXHIBIT A-13: Letters from the Riverside County Registrar of Voters, dated July 2, 2015; December 16, 2015; June 16, 2016; November 29, 2016; June 8, 2017; and December 28, 2017
- EXHIBIT A-14: Declaration of Paul Rasey, Special Investigator, dated October 15, 2020
- EXHIBIT A-15: Notice of Default Decision and Order, dated December 8, 2020
- EXHIBIT A-16: Notice of Intent to Enter Default Decision and Order, dated January 26, 2021

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 26, 2021, at Sacramento, California.



Dominika Wojenska
Associate Governmental Program Analyst
Enforcement Division
Fair Political Practices Commission

Exhibit A-1

1 GALENA WEST
Chief of Enforcement
2 MICHAEL W. HAMILTON
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 322-5772
5 Email: mhamilton@fppc.ca.gov

6 Attorneys for Complainant
Enforcement Division of the Fair Political Practices Commission
7

8
9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
10 STATE OF CALIFORNIA

11 In the Matter of) FPPC No. 16/117
12)
13) **REPORT IN SUPPORT OF A FINDING OF**
14) **PROBABLE CAUSE**
15)
16) Conference Date: TBA
17) Conference Time: TBA
18) Conference Location: Commission Offices
19) 1102 Q Street, Suite 3000
20) Sacramento, CA 95811
21)
22)
23)
24)
25)
26)
27)
28) Respondents.

18 **INTRODUCTION**

19 Respondent D. Shelly Yarbrough (“Yarbrough”) was a successful candidate for the Val Verde
20 Unified School District Governing Board (“Board”) in the November 7, 2000 General Election and was
21 reelected in 2001, 2006, 2010, and 2014. Respondent Yarbrough for Val Verde School Board 2014
22 (“Committee”) is her candidate-controlled committee formed in connection with the 2014 election.
23 Yarbrough serves as the Committee’s treasurer.

24 The Political Reform Act (the “Act”)¹ requires controlled committees to file two semi-annual

25
26 ¹The Political Reform Act is contained in Government Code Sections 81000 through 91014, and all statutory
27 references are to this code. The regulations of the Fair Political Practice Commission are contained in Sections 18110 through
28 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

1 campaign statements each year. The Act also requires open committees to pay to the Secretary of State
2 (“SOS”) a \$50 annual fee each year until the committee is terminated.

3 The Committee and Yarbrough violated the Act by failing to timely file seven semi-annual
4 campaign statements for the reporting periods ending on December 31, 2014; June 30, 2015; December
5 31, 2015; June 30, 2016; December 31, 2016; June 30, 2017; and December 31, 2017. The Committee
6 and Yarbrough also violated the Act by failing to timely pay the \$50 annual fee for 2014, 2016, 2017,
7 and 2018 as well as the associated \$150 penalties.

8 **SUMMARY OF THE LAW**

9 Jurisdiction

10 The Fair Political Practices Commission (the “Commission”) has administrative jurisdiction to
11 enforce the provisions of the Act.²

12 Probable Cause Proceedings

13 Prior to the Enforcement Division commencing an administrative action, the General Counsel of
14 the Commission or his designee (the “hearing officer”), must make a finding that there is probable cause
15 to believe the respondent has violated the Act.³ After a finding of probable cause, the Commission may
16 hold a noticed hearing in accordance with the Administrative Procedure Act⁴ to determine whether
17 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.⁵

18 Standard for Finding Probable Cause

19 To make a finding of probable cause, the hearing officer must be presented with sufficient
20 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
21 that a respondent committed or caused a violation.⁶

22 ///

23 ///

24 ² Section 83116.
25 ³ Section 83115.5 and Regulations 18361 and 18361.4.
26 ⁴ Section 11500, et seq.
27 ⁵ Section 83116 and Regulation 18361.4, subd. (e).
28 ⁶ Section 18361.4, subd. (e).

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

2 When enacting the Political Reform Act, the people of the state of California found and declared
3 previous laws regulating political practices suffered from inadequate enforcement by state and local
4 authorities.⁷ To that end, the Act must be liberally construed to achieve its purposes.⁸

5 A central purpose of the Act is to ensure voters are fully informed and improper practices are
6 inhibited by requiring committees to disclose all contributions and expenditures made throughout a
7 campaign.⁹ Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously
8 enforced.”¹⁰

9 Definition of Committee

10 In 2014, a “committee” included any person or combination of persons who received
11 contributions totaling \$1,000 or more in a calendar year,¹¹ commonly known as a “recipient committee.”

12 Semi-Annual Campaign Statements

13 A controlled committee must file two semi-annual campaign statements each year no later than
14 July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.¹²
15 Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a
16 statement shall be extended to the next regular business day.¹³ If a committee has not previously filed a
17 campaign statement, a period covered by the first campaign statement begins on January 1.¹⁴

18 Annual Fee

19 Each committee required to file a statement of organization must pay the SOS a \$50 annual fee
20 no later than 15 days after filing its statement of organization and then by January 15 every year thereafter
21 until the committee is terminated.¹⁵ A committee that is created and pays the initial fee in the final three

22 ⁷ Section 81001, subd. (h).

23 ⁸ Section 81003.

24 ⁹ Section 81002, subd. (a).

25 ¹⁰ Section 81002, subd. (f).

26 ¹¹ Former Section 82013, subd. (a).

27 ¹² Section 84200, subd. (a).

28 ¹³ Regulation 18116, subd. (a).

¹⁴ Section 82046, subd. (b).

¹⁵ Section 84101.5, subd. (a), (b), and (c)(1).

1 months of a calendar year is not subject to the annual fee for the following calendar year.¹⁶ A committee
2 that fails to timely pay the \$50 annual fee is subject to a penalty equal to three times the amount of the
3 fee. The Commission is required to enforce this provision of the Act.¹⁷

4 Candidate and Treasurer Liability

5 Under the Act, it is the duty of the candidate and the treasurer of a controlled committee to ensure
6 that the committee complies with all the requirements of the Act concerning the receipt, expenditure, and
7 reporting of funds.¹⁸ The candidate and treasurer may be held jointly and severally liable, along with the
8 committee, for violations committed by the committee.¹⁹

9 **SUMMARY OF THE EVIDENCE**

10 Yarbrough was a successful candidate for the Board in the November 7, 2000 General Election
11 and was reelected in 2001, 2006, 2010, and 2014, receiving 28.07 percent of the vote in the November
12 4, 2014 General Election. Her current term expires in 2018.

13 On September 18, 2014, the Committee filed an initial statement of organization with the SOS
14 and indicated that it did not qualify as a recipient committee. On October 29, 2014, the Committee filed
15 a 24-hour contribution report for a late contribution in the amount of \$1,000 received on October 28,
16 2014. On November 3, 2014, the Committee filed an amended statement of organization with the SOS
17 reporting that it qualified as a recipient committee on October 28, 2014.

18 The Committee was required to pay the \$50 annual fee no later than 15 days after filing the
19 amended statement of organization and then by the January 15, 2016; January 15, 2017; and January 15,
20 2018 deadlines. Since the Committee qualified as a recipient committee in the final three months of 2014,
21 it was not required to pay the \$50 annual fee by the January 15, 2015 deadline. On September 23, 2014;
22 November 20, 2015; June 10, 2016; November 18, 2016; and June 5, 2017, the SOS sent Yarbrough five
23 written notifications regarding the required payments.

24
25 ¹⁶ Section 84101.5, subd. (c)(2).

26 ¹⁷ Section 84101.5, subd. (d).

27 ¹⁸ Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

28 ¹⁹ Sections 83116.5 and 91006.

1 The Committee was also required to file semi-annual campaign statements covering reporting
2 periods of January 1, 2014 through December 31, 2017. The Riverside County Registrar of Voters
3 (“ROV”) sent Yarbrough at least six letters regarding this matter. On July 2, 2015, and December 16,
4 2015, ROV sent Yarbrough letters reminding of the campaign statements due July 31, 2015, and February
5 1, 2016. On June 16, 2016, and November 29, 2016, ROV sent Yarbrough letters regarding campaign
6 statements due August 1, 2016, and January 31, 2017. On June 8, 2017, and December 28, 2017, ROV
7 sent Yarbrough letters reminding of the campaign statements due July 31, 2017, and January 31, 2018.

8 As of March 1, 2018, the Committee has failed to timely file seven semi-annual campaign
9 statements for the reporting periods ending on December 31, 2014; June 30, 2015; December 31, 2015;
10 June 30, 2016; December 31, 2016; June 30, 2017; and December 31, 2017. The Committee has also
11 failed to timely pay the \$50 annual fee for 2014, 2016, 2017, and 2018 as well as the associated \$150
12 penalties.

13 VIOLATIONS

14 Count 1: Failure to Timely File a Semi-Annual Campaign Statement

15 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
16 the reporting period of January 1, 2014 through December 31, 2014, due February 2, 2015, in violation of
17 Government Code Section 84200.

18 Count 2: Failure to Timely File a Semi-Annual Campaign Statement

19 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
20 the reporting period of January 1, 2015 through June 30, 2015, due July 31, 2015, in violation of
21 Government Code Section 84200.

22 Count 3: Failure to Timely File a Semi-Annual Campaign Statement

23 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
24 the reporting period of July 1, 2015 through December 31, 2015, due February 1, 2016, in violation of
25 Government Code Section 84200.

26 ///

1 Count 4: Failure to Timely File a Semi-Annual Campaign Statement

2 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
3 the reporting period of January 1, 2016 through June 30, 2016, due August 1, 2016, in violation of
4 Government Code Section 84200.

5 Count 5: Failure to Timely File a Semi-Annual Campaign Statement

6 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
7 the reporting period of July 1; 2016 through December 31, 2016, due January 31, 2017, in violation of
8 Government Code Section 84200.

9 Count 6: Failure to Timely File a Semi-Annual Campaign Statement

10 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
11 the reporting period of January 1, 2017 through June 30, 2017, due July 31, 2017, in violation of
12 Government Code Section 84200.

13 Count 7: Failure to Timely File a Semi-Annual Campaign Statement

14 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
15 the reporting period of July 1, 2017 through December 31, 2017, due January 31, 2018, in violation of
16 Government Code Section 84200.

17 Count 8: Failure to Timely Pay the 2014 Annual Fee

18 The Committee and Yarbrough failed to timely pay the 2014 annual fee within 15 days after filing
19 the Committee's statement of organization providing its date of qualification, and failed to pay the
20 resulting \$150 late penalty, in violation of Government Code Section 84101.5, subdivisions (b) and (d).

21 Count 9: Failure to Timely Pay the 2016 Annual Fee

22 The Committee and Yarbrough failed to timely pay the 2016 annual fee by the January 15, 2016
23 due date, and failed to pay the resulting \$150 late penalty, in violation of Government Code Section
24 84101.5, subdivisions (c) and (d).

25 ///

26 ///

1 Count 10: Failure to Timely Pay the 2017 Annual Fee

2 The Committee and Yarbrough failed to timely pay the 2017 annual fee by the January 15, 2017
3 due date, and failed to pay the resulting \$150 late penalty, in violation of Government Code Section
4 84101.5, subdivisions (c) and (d).

5 Count 11: Failure to Timely Pay the 2018 Annual Fee

6 The Committee and Yarbrough failed to timely pay the 2018 annual fee by the January 15, 2018
7 due date, and failed to pay the resulting \$150 late penalty, in violation of Government Code Section
8 84101.5, subdivisions (c) and (d).

9 **EXCULPATORY OR MITIGATING INFORMATION**

10 The Enforcement Division is not aware of any exculpatory or mitigating information.

11 **OTHER RELEVANT MATERIAL**

12 Yarbrough has a prior history of violating the Act. In 2011, Yarbrough and her candidate-
13 controlled committee Yarbrough 4 State Senate 2010 received a warning letter for failure to timely file
14 two semi-annual campaign statements (FPPC Case No. 11/674). In 2015, Yarbrough and her candidate-
15 controlled committee Yarbrough 4 Assembly 2014, received a warning letter for failure to timely file a
16 semi-annual campaign statement in a paper format. (FPPC Case No. 15/101).

17 ///

18 ///

19 ///

1 **CONCLUSION**

2 Probable cause exists to believe that the Committee and Yarbrough violated the Act as described
3 above. The Enforcement Division respectfully requests an order finding probable cause pursuant to
4 Section 83115.5 and Regulation 18361.4.

5
6 Dated: 3/5/18

7
8 Respectfully Submitted,

9 **FAIR POLITICAL PRACTICES COMMISSION**

10 Galena West
11 Enforcement Chief

12 

13 By: Michael W. Hamilton
14 Commission Counsel
15 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, 1102 Q Street, Suite 3000, Sacramento, CA 95811. On March 5, 2018, I served the following document(s):

1. Letter dated March 5, 2018, from Michael W. Hamilton;
2. FPPC No. 16/117 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 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 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

Certified Mail, Return Receipt Requested

D. Shelly Yarbrough
Yarbrough for Val Verde School Board 2014



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 5, 2018.



Dominika Wojenska

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

7015 0640 0001 8383 9384

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage \$ _____

Total Postage and Fees \$ _____

Sent To D. Shelly Yarbrough

_____ for instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

D. Shelly Yarbrough
 Yarbrough for Val Verde
 School Board 2014



COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) PATRICK FOWLER C. Date of Delivery 3-7-14

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from) 7015 0640 0001 8383 9384

Exhibit A-3



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

March 5, 2018

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

D. Shelly Yarbrough
Yarbrough for Val Verde School Board 2014

**In the Matter of YARBROUGH FOR VAL VERDE SCHOOL BOARD 2014
and D. SHELLY YARBROUGH; FPCC No. 16/117**

Dear Ms. Yarbrough:

The Enforcement Division of the Fair Political Practices Commission (the "Commission") is proceeding with an administrative action against you for your failure to comply with the filing and disclosure provisions of the Political Reform Act (the "Act"). The enclosed Report in Support of a Finding of Probable Cause (the "Report") contains a summary of the alleged violations and the relevant law and evidence.

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the Hearing Officer. In your response, please indicate whether you would like the Hearing Officer to make a determination of probable cause based on the written materials alone (the Report and your response) or request a conference, during which you may orally present your case to the Hearing Officer. Probable cause conferences are held in our office, which is located at 1102 Q Street, Suite 3000, Sacramento, CA 95811. You may appear at the conference in person or by telephone and you are entitled to be represented by counsel. *If you wish to submit a written response or request a probable cause conference, it must be filed with the Commission Assistant at the address listed above within 21 days from the date of service of this letter.* You can reach the Commission Assistant at (916) 327-8269.

Please note that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. *If you are interested in reaching a settlement in this matter, please contact me at (916) 322-5772 or mhamilton@fppc.ca.gov.*

Finally, you have the right to request discovery of the evidence in possession of, and relied upon by, the Enforcement Division. ***This request must also be filed with the Commission Assistant within 21 days from the date of service of this letter.*** Should you request discovery, the Enforcement Division will provide the evidence by service of process or certified mail. From the date you are served with the evidence, you would have an additional 21 days to file a written response to the Report, just as described above.

Should you take no action within 21 days from the date of service of this letter, your rights to respond and to request a conference are automatically waived and the Enforcement Division will independently pursue the issuance of an accusation.

For your convenience, I have enclosed a fact sheet on probable cause proceedings and copies of the most relevant statutes and regulations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael W. Hamilton".

Michael W. Hamilton
Commission Counsel
Enforcement Division

Enclosures

PROBABLE CAUSE FACT SHEET

INTRODUCTION

The Fair Political Practices Commission is required by law to determine whether probable cause exists to believe that the Political Reform Act (the "Act") was violated before a public administrative accusation may be issued.

The probable cause proceedings before the Fair Political Practices Commission are unique, and most respondents and their attorneys are unfamiliar with them. Therefore, we have prepared this summary to acquaint you with the process.

THE LAW

Government Code sections 83115.5 and 83116 set forth the basic requirement that a finding of probable cause be made in a "private" proceeding before a public accusation is issued and a public hearing conducted in accordance with the Administrative Procedure Act.

The Commission has promulgated regulations further defining the probable cause procedure and delegating to the General Counsel (the "Hearing Officer" for purposes of these proceedings) the authority to preside over such proceedings and decide probable cause. A copy of these statutes and regulations are attached for your convenience.

In summary, the statutes and regulations entitle you to the following:

- a) A written probable cause report containing a summary of the law alleged to have been violated, and a summary of the evidence, including any exculpatory and mitigating information and any other relevant material and arguments;
- b) The opportunity to request discovery, respond in writing, and to request a probable cause conference within 21 days of service of the probable cause report;
- c) If the Commission met to consider whether a civil lawsuit should be filed in this matter, a copy of any staff memoranda submitted to the Commission and a transcript of staff discussions with the Commission at any such meeting; and
- d) If a timely request was made, a non-public conference with the General Counsel and the Enforcement Division staff to consider whether or not probable cause exists to believe the Act was violated.

THE PROCEDURE

Probable Cause Report

Administrative enforcement proceedings are commenced with the service, by registered or certified mail or in person, of a probable cause report. The report will contain a summary of the law and the evidence, including any exculpatory and mitigating information of which the staff has knowledge and any other relevant material and arguments. It is filed with the Hearing Officer.

Discovery

Within 21 calendar days following the service of the probable cause report, you may request discovery of the evidence in the possession of the Enforcement Division. This is not a right to full discovery of the Enforcement Division file, but to the evidence relied upon by the Division along with any exculpatory or mitigating evidence¹.

This request must be sent by registered or certified mail to the Commission Assistant.

Response to Probable Cause Report

Within 21 calendar days following the service of the probable cause report (or, if you timely requested discovery, within 21 calendar days from the service of the evidence) you may submit a response to the Report. By regulation, the written response may contain, "... a summary of evidence, legal arguments, and any mitigating or exculpatory information." (Cal. Code Regs., tit. 2, § 18361.4, subd. (c).)

You must file your response with the Commission Assistant and provide a copy, by service of process or registered or certified mail with return receipt requested, to all other proposed respondents listed in the probable cause report.

Staff Reply

Within 10 calendar days following the date the response was filed with the Commission Assistant, Commission staff may submit any evidence or argument in rebuttal. You will be served with a copy of any such reply.

Probable Cause Conference

Probable cause conferences are held at the offices of the Fair Political Practices Commission, which is located at 1102 Q Street, Suite 3000, Sacramento, CA 95811. You may appear at the conference in person or by telephone. The proceedings are not public unless all proposed respondents agree to open the conference to the public. Otherwise, the probable cause report, any written responses, and the probable cause conference itself are confidential.

Unless the probable cause conference is public, the only persons who may attend are the staff of the Commission, any proposed respondent and his or her attorney or representative, and, at the discretion of the Hearing Officer, witnesses.

The Hearing Officer may, but need not, permit testimony from witnesses. Probable cause conferences are less formal than court proceedings. The rules of evidence do not apply. The conferences will be recorded and a copy of the recording will be provided upon request.

Since it has the burden of proof, the Enforcement Division is permitted to open and close the conference presentations. The Hearing Officer may also hold the record open to receive additional evidence or arguments.

Probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether or not there is probable cause to believe that the

¹ But see Title 2, California Code of Regulations, Section 18362, which states that the Commission provides access to complaints, responses to complaints, and investigative files and information in accordance with the requirements of the Public Records Act. (Govt. Code § 6250, et seq.)

Political Reform Act was violated. Anyone who wishes to discuss settlement with the Enforcement Division may do so before or after the probable cause conference but not during the conference.

Pursuant to Title 2, California Code of Regulations, Section 18361.4, subdivision (e), the Hearing Officer will find probable cause "if the evidence is sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that a proposed respondent committed or caused a violation."

Ordinarily, probable cause determinations are made based upon the written probable cause report, any written response by the respondent, any written reply by the Enforcement Division, and the oral arguments presented at the conference. Timely written presentations are strongly recommended.

Probable Cause Order and Accusation

Once the matter is submitted to the Hearing Officer, the probable cause decision will normally be made within ten days. If the Hearing Officer finds probable cause, he will issue a Finding of Probable Cause, which will be publicly announced at the next Commission Meeting. An accusation will be issued soon after the Finding of Probable Cause is publicly announced.

Continuances

Every reasonable effort is made to accommodate the schedules of parties and counsel. However, once a date has been set it is assumed to be firm and will not be continued except upon the order of the Hearing Officer after a showing of good cause. Settlement negotiations will be considered good cause only if the Hearing Officer is presented with a fully executed settlement, or is convinced that settlement is imminent.

Settlements

Settlement discussions may take place at any time except during the probable cause conference. In order to open settlement discussions, a proposed respondent or his or her counsel or representative should present a written offer to settle stating, where appropriate, the violations to be admitted, and the monetary penalty or other remedy to be tendered.

The Enforcement Division attorney assigned to the case will negotiate any potential settlement on behalf of the Fair Political Practices Commission, and will draft the language of the settlement agreement. The Hearing Officer will not directly participate in the negotiations, but will be represented by Enforcement Division attorneys. Staff attorneys will present settlement offers to the Hearing Officer for his/her approval.

CONCLUSION

This fact sheet was intended to give you a brief summary of the probable cause process at the Fair Political Practices Commission. Such a summary cannot answer every question that might arise in such proceedings. Therefore, if you have any questions that are not addressed by this fact sheet or the copies of the law and regulations we have attached, feel free to contact the attorney whose name appears on the probable cause report.

Attachments: Relevant Sections of (1) California Government Code , and (2) Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations.

CALIFORNIA GOVERNMENT CODE

Probable Cause Statutes

§ 83115.5. Probable cause; violation of title; notice of violation; summary of evidence; notice of rights; private proceedings

No finding of probable cause to believe this title has been violated shall be made by the commission unless, at least 21 days prior to the commission's consideration of the alleged violation, the person alleged to have violated this title is notified of the violation by service of process or registered mail with return receipt requested, provided with a summary of the evidence, and informed of his 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 this title. 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. A proceeding held for the purpose of considering probable cause shall be private unless the alleged violator files with the commission a written request that the proceeding be public.

§ 83116. Violation of title; probable cause; hearing; order

When the Commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, Government Code). The Commission shall have all the powers granted by that chapter. When the Commission determines on the basis of the hearing that a violation has occurred, it shall issue an order that may require the violator to do all or any of the following:

- (a) Cease and desist violation of this title.
- (b) File any reports, statements, or other documents or information required by this title.
- (c) Pay a monetary penalty of up to five thousand dollars (\$5,000) per violation to the General Fund of the state. When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

**REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION
TITLE 2, DIVISION 6 OF THE CALIFORNIA CODE OF REGULATIONS**

Probable Cause Regulations

§ 18361 (b). Delegation by the Executive Director Pertaining to Enforcement Proceedings and Authority to Hear Probable Cause Proceedings.

Probable cause proceedings under Regulation 18361.4 shall be heard by the General Counsel or an attorney from the Legal Division. The General Counsel may delegate the authority to hear probable cause proceedings, in writing, to an administrative law judge.

§ 18361.4. Probable Cause Proceedings

(a) Probable Cause Report. If the Chief of the Enforcement Division decides to commence probable cause proceedings pursuant to Sections 83115.5 and 83116, he or she shall direct the Enforcement Division staff to prepare a written report, hereafter referred to as “the probable cause report.” The probable cause report shall contain a summary of the law and evidence gathered in connection with the investigation, including any exculpatory and mitigating information of which the staff has knowledge and any other relevant material and arguments. The evidence recited in the probable cause report may include hearsay, including declarations of investigators or others relating the statements of witnesses or concerning the examination of physical evidence.

(b) No probable cause hearing will take place until at least 21 calendar days after the Enforcement Division staff provides the following, by service of process or registered or certified mail with return receipt requested, to all proposed respondents:

- (1) A copy of the probable cause report;
- (2) Notification that the proposed respondents have the right to respond in writing to the probable cause report and to request a probable cause conference at which the proposed respondent may be present in person and represented by counsel, and;
- (3) If the Commission met in executive session on this matter pursuant to Regulation 18361.2, a copy of any staff memoranda submitted to the Commission at that time along with the recording of any discussion between the Commission and the staff at the executive session as required in subdivision (b) of Regulation 18361.2.

(c) Response to Probable Cause Report.

- (1) Each proposed respondent may submit a written response to the probable cause report. The response may contain a summary of evidence, legal arguments, and any mitigating or exculpatory information. A proposed respondent who submits a response must file it with the Commission Assistant who will forward the response to the General Counsel or an attorney in the Legal Division (the “hearing officer”) and provide a copy, by service of process or registered or certified mail with return receipt requested, to all other proposed respondents listed in the probable cause report not later than 21 days following service of the probable cause report.
- (2) Within 21 calendar days following the service of the probable cause report, a proposed

respondent may request discovery of evidence in the possession of the Enforcement Division. This request must be sent by registered or certified mail to the Commission Assistant. Upon receipt of the request, the Enforcement Division shall provide discovery of evidence relied upon by the Enforcement Division sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that a proposed respondent committed or caused a violation, along with any exculpatory or mitigating evidence. This is not a right to full discovery of the Enforcement Division file. The Enforcement Division shall provide access to documents for copying by the Respondent, or upon agreement among the parties, the Enforcement Division will provide copies of the requested documents upon payment of a fee for direct costs of duplication. The Enforcement Division shall provide such evidence by service of process or registered or certified mail with return receipt requested to all respondents, with a copy to the Commission Assistant. A respondent may submit a written response to the probable cause report described in subsection (1) no later than 21 calendar days after service of discovery.

- (3) The Commission staff may submit any evidence or argument in rebuttal to the response. When the Commission staff submits evidence or argument in rebuttal to the response, it shall provide a copy, by service of process or registered or certified mail with return receipt requested, to all proposed respondents listed in the probable cause report not later than 10 calendar days following the date the response was filed with the Commission Assistant. The hearing officer may extend the time limitations in this section for good cause. At any time prior to a determination of probable cause, the hearing officer may allow additional material to be submitted as part of the initial response or rebuttal.

(d) Probable Cause Conference. Any proposed respondent may request a probable cause conference. The request shall be served upon the Commission Assistant and all other proposed respondents not later than 21 days after service of the probable cause report unless the hearing officer extends the time for good cause. The Commission Assistant shall fix a time for the probable cause conference and the hearing officer shall conduct the conference informally. The conference shall be closed to the public unless a proposed respondent requests and all other proposed respondents agree to a public conference. If the conference is not public, only members of the Commission staff, any proposed respondent and his or her legal counsel or representative shall have the right to be present and participate. The hearing officer may allow witnesses to attend and participate in part or all of the probable cause conference. In making this determination, the hearing officer shall consider the relevancy of the witness' proposed testimony, whether the witness has a substantial interest in the proceedings, and whether fairness requires that the witness be allowed to participate. Representatives of any civil or criminal prosecutor with jurisdiction may attend the conference at the discretion of the hearing officer if they agree to respect the confidential nature of the proceedings. If the conference is not open to the public and none of the parties and the presiding officer object, the conference may be conducted in whole or in part by telephone. The probable cause conference shall be recorded. The hearing officer may determine whether there is probable cause based solely on the probable cause report, any responses or rebuttals filed and any arguments presented at the probable cause conference by the interested parties. If the hearing officer requires additional information before determining whether there is probable cause, he or she may permit any party to submit additional evidence at the probable cause conference.

(e) Finding of Probable Cause. The hearing officer may find there is probable cause to believe a violation has occurred if the evidence is sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that a proposed respondent committed or caused a violation. A finding of probable cause by the hearing officer does not constitute a finding that a violation has actually occurred. The hearing officer shall not make a finding of probable cause if he or she is presented with clear and convincing evidence that, at a time prior to the alleged violation, the violator consulted with the staff of the Commission in good faith, disclosed truthfully all the material facts, and committed the acts complained of either in reliance on the advice of the staff or because of the staff's failure to provide advice. If the hearing officer makes a finding of probable cause, the Enforcement Division shall prepare an Accusation pursuant to Section 11503 and have it served upon the person or persons who are subjects of the probable cause finding. The hearing officer shall publicly announce the finding of probable cause. The announcement shall contain a summary of the allegations and a cautionary statement that the respondent is presumed to be innocent of any violation of the Act unless a violation is proved in a subsequent proceeding. The Chief of the Enforcement Division shall be responsible for the presentation of the case in support of the Accusation at an administrative hearing held pursuant to Section 83116.

§ 18362. Access to Enforcement Records

(a) Production of Enforcement Records. The Commission will make complaints, investigative files, and related records available to the public and members of the media in accordance with the Public Records Act (Government Code Section 6250, et seq.) Enforcement records requests should specifically identify the documents sought.

(b) Format of Enforcement Records. The Commission will make records available for inspection at its office during office hours. The Commission may provide copies of requested records either in paper or electronic format to the person that requested the records in lieu of inspecting the records at the Commission offices. Any person requesting paper copies of records must reimburse the Commission ten cents (\$0.10) per page to pay the cost of copying, or supply copying equipment and make copies in the offices of the Commission. Original records of the Commission may not be removed from the offices of the Commission.

(c) Complaint Notice Period. The Commission may not provide or make available complaints or related records until after the disclosure periods provided in Regulation 18360.

§ 18361.2. Memorandum Respecting Civil Litigation.

(a) If the Executive Director concludes civil litigation should be initiated, he or she shall submit to the Commission a written memorandum, which shall be first reviewed by the General Counsel, or an attorney from the Legal Division, summarizing the facts and the applicable law of the case and recommending the initiation of a lawsuit. The memorandum shall include all exculpatory and mitigating information known to the staff.

(b) The Commission shall review the memorandum at an executive session. The General

Counsel, or an attorney from the Legal Division, and the Commission Assistant shall be in attendance. No other member of the staff may be present unless the Commission meets with a member of the staff for that person to answer questions. The Commission may not resume its deliberations until the person is no longer present. Any communication between the Commission and the person during the executive session shall be recorded. After review of the memorandum, the Commission may direct the Executive Director to do any of the following:

- (1) Initiate civil litigation.
- (2) Decide whether probable cause proceedings should be commenced pursuant to 2 Cal. Code of Regulations Section 18361.4.
- (3) Return the matter to the staff for further investigation.
- (4) Take no further action on the matter or take any other action it deems appropriate.

(c) If the Commission decides to initiate civil litigation, the Commission may then permit other members of the staff to attend the executive session.

(d) If the Executive Director deems it necessary, he or she may call a special meeting of the Commission to review a staff memorandum recommending the initiation of civil litigation.

(e) It is the intent of the Commission in adopting this section to preserve for the members of the Commission the authority to decide whether alleged violations should be adjudicated in administrative hearings or in civil litigation, while at the same time avoiding the possibility that discussions with members of the staff might cause members of the Commission to prejudge a case that might be heard by the Commission under Government Code Section 83116.

Exhibit A-4

GALENA WEST
Chief of Enforcement
MICHAEL W. HAMILTON
Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3000
Sacramento, CA 95811
Telephone: (916) 322-5772
Email: mhamilton@fppc.ca.gov

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of) FPPC No. 16/117
)
YARBROUGH FOR VAL VERDE) EX PARTE REQUEST FOR A FINDING OF
SCHOOL BOARD 2014 and D. SHELLY) PROBABLE CAUSE AND AN ORDER THAT
YARBORUGH,) AN ACCUSATION BE PREPARED AND
) SERVED
)
) Gov. Code § 83115.5
)
Respondents.)

TO THE HEARING OFFICER OF THE FAIR POLITICAL PRACTICES COMMISSION:

Pursuant to Section 83115.5 of the Political Reform Act (the "Act")¹ and Regulation 18361.4, Respondents Yarbrough for Val Verde School Board 2014 ("Committee") and D. Shelly Yarbrough ("Yarbrough") were served with a copy of a report in support of a finding of probable cause ("Report") in the above-entitled matter.² The Report, attached as "Exhibit A," was part of a packet of materials, including a cover letter and a memorandum describing probable cause proceedings, which was sent to Yarbrough on March 5, 2018, by certified mail, with a return receipt requested, and received by Yarbrough's agent on March 7, 2018. A copy of signed return receipt is attached as "Exhibit B."

In the cover letter dated March 5, 2018, and the attached materials, Yarbrough was advised that she could respond in writing to the Report and orally present the case to the Hearing Officer at a probable

¹ 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 §§ 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Gov. Code § 83115.5; Cal. Code Reg., tit. 2, § 18361.4.

1 cause conference to be held in Sacramento. Yarbrough was further advised that in order to have a probable
2 cause conference she needed to make a written request for one on or before 21 days of the date she received
3 the Report. Additionally, Yarbrough was advised that if she did not request a probable cause conference,
4 such a conference would not be held and probable cause would be determined based solely on the Report
5 and any written response that she submitted within 21 days of the date she was served with the Report. To
6 date, Yarbrough has not submitted a written response or requested a probable cause conference.

7 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by the
8 Hearing Officer that probable cause exists to believe that the Committee and Yarbrough committed
9 violations of the Act, stated as follows:

10 Count 1: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
11 covering the reporting period of January 1, 2014 through December 31, 2014, due February
12 2, 2015, in violation of Government Code Section 84200.

13 Count 2: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
14 covering the reporting period of January 1, 2015 through June 30, 2015, due July 31, 2015,
15 in violation of Government Code Section 84200.

16 Count 3: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
17 covering the reporting period of July 1, 2015 through December 31, 2015, due February 1,
18 2016, in violation of Government Code Section 84200.

19 Count 4: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
20 covering the reporting period of January 1, 2016 through June 30, 2016, due August 1,
21 2016, in violation of Government Code Section 84200.

22 Count 5: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
23 covering the reporting period of July 1, 2016 through December 31, 2016, due January 31,
24 2017, in violation of Government Code Section 84200.

25 Count 6: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
26 covering the reporting period of January 1, 2017 through June 30, 2017, due July 31, 2017,
27 in violation of Government Code Section 84200.

28 Count 7: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
covering the reporting period of July 1, 2017 through December 31, 2017, due January 31,
2018, in violation of Government Code Section 84200.

Count 8: The Committee and Yarbrough failed to timely pay the 2014 annual fee within 15 days
after filing the Committee's statement of organization providing its date of qualification,
and failed to pay the resulting \$150 late penalty, in violation of Government Code Section
84101.5, subdivisions (b) and (d).

1 Count 9: The Committee and Yarbrough failed to timely pay the 2016 annual fee by the January 15,
2 2016 due date, and failed to pay the resulting \$150 late penalty, in violation of Government
3 Code Section 84101.5, subdivisions (c) and (d).

4 Count 10: The Committee and Yarbrough failed to timely pay the 2017 annual fee by the January 15,
5 2017 due date, and failed to pay the resulting \$150 late penalty, in violation of Government
6 Code Section 84101.5, subdivisions (c) and (d).

7 Count 11: The Committee and Yarbrough failed to timely pay the 2018 annual fee by the January 15,
8 2018 due date, and failed to pay the resulting \$150 late penalty, in violation of Government
9 Code Section 84101.5, subdivisions (c) and (d).

10 Additionally, after finding probable cause exists, the Enforcement Division requests an order by
11 the Hearing Officer that an accusation be prepared against the Committee and Yarbrough and served upon
12 them.³

13 A copy of this Request was mailed via U.S. Mail to the Committee and Yarbrough on Aug. 14,
14 2018, at their last known address, as follows:

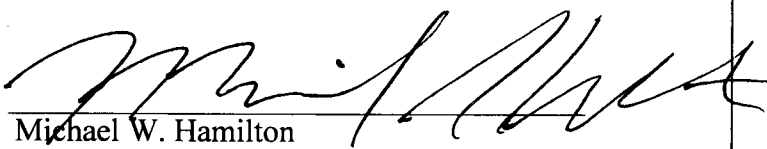
15 D. Shelly Yarbrough
16 Yarbrough for Val Verde School Board 2014
17 1770 East Rider Street
18 Perris, CA 92571

19 Dated: 8/14/2018

20 Respectfully Submitted,

21 **FAIR POLITICAL PRACTICES COMMISSION**

22 Galena West
23 Chief of Enforcement

24 
25 By: Michael W. Hamilton
26 Commission Counsel
27 Enforcement Division

28 ³ Gov. Code § 11503.

EXHIBIT A

1 GALENA WEST
Chief of Enforcement
2 MICHAEL W. HAMILTON
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 322-5772
5 Email: mhamilton@fppc.ca.gov

6 Attorneys for Complainant
Enforcement Division of the Fair Political Practices Commission
7

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

11 In the Matter of) FPPC No. 16/117
12)
13) **REPORT IN SUPPORT OF A FINDING OF**
14) **PROBABLE CAUSE**
15)
16) **YARBROUGH FOR VAL VERDE**
17) **SCHOOL BOARD 2014 and D. SHELLY**
18) **YARBROUGH,**
19) Conference Date: TBA
20) Conference Time: TBA
21) Conference Location: Commission Offices
22) 1102 Q Street, Suite 3000
23) Sacramento, CA 95811
24)
25)
26)
27)
28) Respondents.

18 **INTRODUCTION**

19 Respondent D. Shelly Yarbrough ("Yarbrough") was a successful candidate for the Val Verde
20 Unified School District Governing Board ("Board") in the November 7, 2000 General Election and was
21 reelected in 2001, 2006, 2010, and 2014. Respondent Yarbrough for Val Verde School Board 2014
22 ("Committee") is her candidate-controlled committee formed in connection with the 2014 election.
23 Yarbrough serves as the Committee's treasurer.

24 The Political Reform Act (the "Act")¹ requires controlled committees to file two semi-annual

25 _____
26 ¹The Political Reform Act is contained in Government Code Sections 81000 through 91014, and all statutory
27 references are to this code. The regulations of the Fair Political Practice Commission are contained in Sections 18110 through
28 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

1 campaign statements each year. The Act also requires open committees to pay to the Secretary of State
2 (“SOS”) a \$50 annual fee each year until the committee is terminated.

3 The Committee and Yarbrough violated the Act by failing to timely file seven semi-annual
4 campaign statements for the reporting periods ending on December 31, 2014; June 30, 2015; December
5 31, 2015; June 30, 2016; December 31, 2016; June 30, 2017; and December 31, 2017. The Committee
6 and Yarbrough also violated the Act by failing to timely pay the \$50 annual fee for 2014, 2016, 2017,
7 and 2018 as well as the associated \$150 penalties.

8 SUMMARY OF THE LAW

9 Jurisdiction

10 The Fair Political Practices Commission (the “Commission”) has administrative jurisdiction to
11 enforce the provisions of the Act.²

12 Probable Cause Proceedings

13 Prior to the Enforcement Division commencing an administrative action, the General Counsel of
14 the Commission or his designee (the “hearing officer”), must make a finding that there is probable cause
15 to believe the respondent has violated the Act.³ After a finding of probable cause, the Commission may
16 hold a noticed hearing in accordance with the Administrative Procedure Act⁴ to determine whether
17 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.⁵

18 Standard for Finding Probable Cause

19 To make a finding of probable cause, the hearing officer must be presented with sufficient
20 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
21 that a respondent committed or caused a violation.⁶

22 ///

23 ///

24 _____
² Section 83116.

25 ³ Section 83115.5 and Regulations 18361 and 18361.4.

26 ⁴ Section 11500, et seq.

27 ⁵ Section 83116 and Regulation 18361.4, subd. (e).

28 ⁶ Section 18361.4, subd. (e).

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

2 When enacting the Political Reform Act, the people of the state of California found and declared
3 previous laws regulating political practices suffered from inadequate enforcement by state and local
4 authorities.⁷ To that end, the Act must be liberally construed to achieve its purposes.⁸

5 A central purpose of the Act is to ensure voters are fully informed and improper practices are
6 inhibited by requiring committees to disclose all contributions and expenditures made throughout a
7 campaign.⁹ Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously
8 enforced.”¹⁰

9 Definition of Committee

10 In 2014, a “committee” included any person or combination of persons who received
11 contributions totaling \$1,000 or more in a calendar year,¹¹ commonly known as a “recipient committee.”

12 Semi-Annual Campaign Statements

13 A controlled committee must file two semi-annual campaign statements each year no later than
14 July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.¹²
15 Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a
16 statement shall be extended to the next regular business day.¹³ If a committee has not previously filed a
17 campaign statement, a period covered by the first campaign statement begins on January 1.¹⁴

18 Annual Fee

19 Each committee required to file a statement of organization must pay the SOS a \$50 annual fee
20 no later than 15 days after filing its statement of organization and then by January 15 every year thereafter
21 until the committee is terminated.¹⁵ A committee that is created and pays the initial fee in the final three

22 ⁷ Section 81001, subd. (h).

23 ⁸ Section 81003.

24 ⁹ Section 81002, subd. (a).

25 ¹⁰ Section 81002, subd. (f).

26 ¹¹ Former Section 82013, subd. (a).

27 ¹² Section 84200, subd. (a).

28 ¹³ Regulation 18116, subd. (a).

¹⁴ Section 82046, subd. (b).

¹⁵ Section 84101.5, subd. (a), (b), and (c)(1).

1 months of a calendar year is not subject to the annual fee for the following calendar year.¹⁶ A committee
2 that fails to timely pay the \$50 annual fee is subject to a penalty equal to three times the amount of the
3 fee. The Commission is required to enforce this provision of the Act.¹⁷

4 Candidate and Treasurer Liability

5 Under the Act, it is the duty of the candidate and the treasurer of a controlled committee to ensure
6 that the committee complies with all the requirements of the Act concerning the receipt, expenditure, and
7 reporting of funds.¹⁸ The candidate and treasurer may be held jointly and severally liable, along with the
8 committee, for violations committed by the committee.¹⁹

9 **SUMMARY OF THE EVIDENCE**

10 Yarbrough was a successful candidate for the Board in the November 7, 2000 General Election
11 and was reelected in 2001, 2006, 2010, and 2014, receiving 28.07 percent of the vote in the November
12 4, 2014 General Election. Her current term expires in 2018.

13 On September 18, 2014, the Committee filed an initial statement of organization with the SOS
14 and indicated that it did not qualify as a recipient committee. On October 29, 2014, the Committee filed
15 a 24-hour contribution report for a late contribution in the amount of \$1,000 received on October 28,
16 2014. On November 3, 2014, the Committee filed an amended statement of organization with the SOS
17 reporting that it qualified as a recipient committee on October 28, 2014.

18 The Committee was required to pay the \$50 annual fee no later than 15 days after filing the
19 amended statement of organization and then by the January 15, 2016; January 15, 2017; and January 15,
20 2018 deadlines. Since the Committee qualified as a recipient committee in the final three months of 2014,
21 it was not required to pay the \$50 annual fee by the January 15, 2015 deadline. On September 23, 2014;
22 November 20, 2015; June 10, 2016; November 18, 2016; and June 5, 2017, the SOS sent Yarbrough five
23 written notifications regarding the required payments.

24
25 ¹⁶ Section 84101.5, subd. (c)(2).

26 ¹⁷ Section 84101.5, subd. (d).

27 ¹⁸ Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

28 ¹⁹ Sections 83116.5 and 91006.

1 The Committee was also required to file semi-annual campaign statements covering reporting
2 periods of January 1, 2014 through December 31, 2017. The Riverside County Registrar of Voters
3 (“ROV”) sent Yarbrough at least six letters regarding this matter. On July 2, 2015, and December 16,
4 2015, ROV sent Yarbrough letters reminding of the campaign statements due July 31, 2015, and February
5 1, 2016. On June 16, 2016, and November 29, 2016, ROV sent Yarbrough letters regarding campaign
6 statements due August 1, 2016, and January 31, 2017. On June 8, 2017, and December 28, 2017, ROV
7 sent Yarbrough letters reminding of the campaign statements due July 31, 2017, and January 31, 2018.

8 As of March 1, 2018, the Committee has failed to timely file seven semi-annual campaign
9 statements for the reporting periods ending on December 31, 2014; June 30, 2015; December 31, 2015;
10 June 30, 2016; December 31, 2016; June 30, 2017; and December 31, 2017. The Committee has also
11 failed to timely pay the \$50 annual fee for 2014, 2016, 2017, and 2018 as well as the associated \$150
12 penalties.

13 VIOLATIONS

14 Count 1: Failure to Timely File a Semi-Annual Campaign Statement

15 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
16 the reporting period of January 1, 2014 through December 31, 2014, due February 2, 2015, in violation of
17 Government Code Section 84200.

18 Count 2: Failure to Timely File a Semi-Annual Campaign Statement

19 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
20 the reporting period of January 1, 2015 through June 30, 2015, due July 31, 2015, in violation of
21 Government Code Section 84200.

22 Count 3: Failure to Timely File a Semi-Annual Campaign Statement

23 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
24 the reporting period of July 1, 2015 through December 31, 2015, due February 1, 2016, in violation of
25 Government Code Section 84200.

26 ///

1 Count 4: Failure to Timely File a Semi-Annual Campaign Statement

2 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
3 the reporting period of January 1, 2016 through June 30, 2016, due August 1, 2016, in violation of
4 Government Code Section 84200.

5 Count 5: Failure to Timely File a Semi-Annual Campaign Statement

6 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
7 the reporting period of July 1, 2016 through December 31, 2016, due January 31, 2017, in violation of
8 Government Code Section 84200.

9 Count 6: Failure to Timely File a Semi-Annual Campaign Statement

10 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
11 the reporting period of January 1, 2017 through June 30, 2017, due July 31, 2017, in violation of
12 Government Code Section 84200.

13 Count 7: Failure to Timely File a Semi-Annual Campaign Statement

14 The Committee and Yarbrough failed to timely file the semi-annual campaign statement covering
15 the reporting period of July 1, 2017 through December 31, 2017, due January 31, 2018, in violation of
16 Government Code Section 84200.

17 Count 8: Failure to Timely Pay the 2014 Annual Fee

18 The Committee and Yarbrough failed to timely pay the 2014 annual fee within 15 days after filing
19 the Committee's statement of organization providing its date of qualification, and failed to pay the
20 resulting \$150 late penalty, in violation of Government Code Section 84101.5, subdivisions (b) and (d).

21 Count 9: Failure to Timely Pay the 2016 Annual Fee

22 The Committee and Yarbrough failed to timely pay the 2016 annual fee by the January 15, 2016
23 due date, and failed to pay the resulting \$150 late penalty, in violation of Government Code Section
24 84101.5, subdivisions (c) and (d).

25 ///

26 ///

1 Count 10: Failure to Timely Pay the 2017 Annual Fee

2 The Committee and Yarbrough failed to timely pay the 2017 annual fee by the January 15, 2017
3 due date, and failed to pay the resulting \$150 late penalty, in violation of Government Code Section
4 84101.5, subdivisions (c) and (d).

5 Count 11: Failure to Timely Pay the 2018 Annual Fee

6 The Committee and Yarbrough failed to timely pay the 2018 annual fee by the January 15, 2018
7 due date, and failed to pay the resulting \$150 late penalty, in violation of Government Code Section
8 84101.5, subdivisions (c) and (d).

9 **EXCULPATORY OR MITIGATING INFORMATION**

10 The Enforcement Division is not aware of any exculpatory or mitigating information.

11 **OTHER RELEVANT MATERIAL**

12 Yarbrough has a prior history of violating the Act. In 2011, Yarbrough and her candidate-
13 controlled committee Yarbrough 4 State Senate 2010 received a warning letter for failure to timely file
14 two semi-annual campaign statements (FPPC Case No. 11/674). In 2015, Yarbrough and her candidate-
15 controlled committee Yarbrough 4 Assembly 2014, received a warning letter for failure to timely file a
16 semi-annual campaign statement in a paper format. (FPPC Case No. 15/101).

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CONCLUSION

Probable cause exists to believe that the Committee and Yarbrough violated the Act as described above. The Enforcement Division respectfully requests an order finding probable cause pursuant to Section 83115.5 and Regulation 18361.4.

Dated: 3/5/18

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION
Galena West
Enforcement Chief

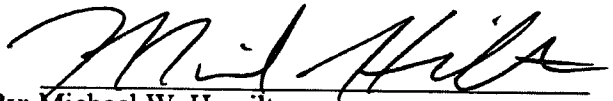

By: Michael W. Hamilton
Commission Counsel
Enforcement Division

EXHIBIT B

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 3000, Sacramento, CA 95811. On March 5, 2018, I served the following document(s):

1. Letter dated March 5, 2018, from Michael W. Hamilton;
2. FPPC No. 16/117 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 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 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.

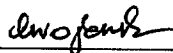
SERVICE LIST

Certified Mail, Return Receipt Requested

D. Shelly Yarbrough
Yarbrough for Val Verde School Board 2014



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 5, 2018.



Dominika Wojenska

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com.

7015 0640 0001 8383 9384

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage \$ _____

Total Postage and Fees \$ _____

Sent To D. Shelly Yarbrough

_____ or instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

D. Shelly Yarbrough
 Yarbrough for Val Verde
 School Board 2014



COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X Patrick Fowler Agent Addressee

B. Received by (Printed Name) PATRICK FOWLER C. Date of Delivery 3-7-14

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from) 7015 0640 0001 8383 9384

Exhibit A-5

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3
4 In the Matter of) FPPC No. 16/117
5)
6 YARBROUGH FOR VAL VERDE) FINDING OF PROBABLE CAUSE AND
SCHOOL BOARD 2014 and D. SHELLY) ORDER TO PREPARE AND SERVE AN
YARBROUGH,) ACCUSATION
7)
8 Respondents.) Gov. Code § 83115.5
)

9 By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an
10 Accusation be Prepared and Served, the Enforcement Division submitted the above-entitled matter to the
11 Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request for a Finding
12 of Probable Cause and an Order that an Accusation be Prepared and Served (“Ex Parte Request”), the
13 Enforcement Division served a Report in Support of a Finding of Probable Cause (“PC Report”) on
14 Respondents Yarbrough for Val Verde School Board 2014 (“Committee”) and D. Shelly Yarbrough
15 (“Yarbrough”) concerning this matter on March 7, 2018, by certified mail, return receipt requested.
16 Accompanying the PC Report was a packet of materials that informed Yarbrough of her right to file a
17 written response to the PC Report and to request a probable cause conference within 21 days following
18 service of the PC Report. During the 21 days that followed service of the PC Report, Yarbrough did not
19 file a response to the PC Report or request a probable cause conference. Pursuant to California Code of
20 Regulations title 2, section 18361.4, determination of probable cause may be made solely on papers
21 submitted when the respondent does not request a probable cause conference.¹

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

1 Probable cause to believe a violation has occurred can be found to exist when “the evidence is
2 sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that
3 the proposed respondent(s) committed or caused a violation.”²

4 The PC Report served on the Committee and Yarbrough and the subsequent Ex Parte Request in
5 this matter alleges violations of the Political Reform Act were committed, as follows:

6 Count 1: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
7 covering the report period of January 1, 2014 through December 31, 2014, due February
8 2, 2015, in violation of Government Code Section 84200.

9 Count 2: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
10 covering the reporting period of January 1, 2015 through June 30, 2015, due July 31, 2015,
11 in violation of Government Code Section 84200.

12 Count 3: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
13 covering the report period of July 1, 2015 through December 31, 2015, due February 1,
14 2016, in violation of Government Code Section 84200.

15 Count 4: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
16 covering the report period of January 1, 2016 through June 30, 2016, due August 1, 2016,
17 in violation of Government Code Section 84200.

18 Count 5: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
19 covering the report period of July 1, 2016 through December 31, 2016, due January 31,
20 2017, in violation of Government Code Section 84200.

21 Count 6: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
22 covering the report period of January 1, 2017 through June 30, 2017, due July 31, 2017, in
23 violation of Government Code Section 84200.

24 Count 7: The Committee and Yarbrough failed to timely file a semi-annual campaign statement
25 covering the report period of July 1, 2017 through December 31, 2017, due January 31,
26 2018, in violation of Government Code Section 84200.

27 Count 8: The Committee and Yarbrough failed to timely pay the 2014 annual fee within 15 days
28 after filing the Committee’s statement of organization providing its date of qualification,
and failed to pay the resulting \$150 late penalty, in violation of Government Code Section
84101.5, subdivisions (b) and (d).

Count 9: The Committee and Yarbrough failed to timely pay the 2016 annual fee by the January 15,
2016 due date, and failed to pay the resulting \$150 late penalty, in violation of Government
Code Section 84101.5, subdivisions (c) and (d).

² Cal. Code Reg., tit. 2, § 18361.4, subd. (e).

1 Count 10: The Committee and Yarbrough failed to timely pay the 2017 annual fee by the January 15,
2 2017 due date, and failed to pay the resulting \$150 late penalty, in violation of Government
Code Section 84101.5, subdivisions (c) and (d).

3 Count 11: The Committee and Yarbrough failed to timely pay the 2018 annual fee by the January 15,
4 2018 due date, and failed to pay the resulting \$150 late penalty, in violation of Government
Code Section 84101.5, subdivisions (c) and (d).

5 Based on the Ex Parte Request given to me, I find that notice has been given to the Committee and
6 Yarbrough.³ I further find, based on the PC Report and the Ex Parte Request, that there is probable cause
7 to believe the Committee and Yarbrough violated the Political Reform Act as alleged in Counts 1-11, as
8 identified above.

9 I therefore direct that the Enforcement Division issue an accusation against the Committee and
10 Yarbrough in accordance with this finding.

11 IT IS SO ORDERED.

12
13
14 Dated: 9/4/18


15 John M. Feser, Jr., Hearing Officer
16 Fair Political Practices Commission
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28 ³ Government Code § 83115.5; Cal. Code Reg., tit. 2, §18361.4, subd. (b).

FPPC No. 16/117, In the matter of Yarbrough for Val Verde School Board 2014 and D. Shelly Yarbrough

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 3000, 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

D. Shelly Yarbrough
Yarbrough for Val Verde School Board 2014


(By Personal Service) On Wednesday, September 5, 2018, at approximately 10:30 a.m., I personally served:

Michael Hamilton, Commission Counsel, at 1102 Q Street, Suite 3000, 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 September 5, 2018.



Sasha Linker

Exhibit A-6

GALENA WEST
Chief of Enforcement
MICHAEL W. HAMILTON
Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3000
Sacramento, CA 95811
Telephone: (916) 322-5772
mhamilton@fppc.ca.gov

Attorneys for Complainant
Enforcement Division of the Fair Political Practices Commission

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of)
) OAH No. _____
)
 YARBROUGH FOR VAL VERDE) FPPC No. 16/117
 SCHOOL BOARD 2014 and D. SHELLY)
 YARBROUGH,) ACCUSATION
)
) (Gov. Code §11503)
 Respondents.)
)

Complainant, the Enforcement Division of the Fair Political Practices Commission, after a finding of probable cause made pursuant to Government Code section 83115.5, hereby alleges the following:

JURISDICTION

1. Complainant is the Enforcement Division of the Fair Political Practices Commission and makes this Accusation in its official capacity and in the public interest.

2. The authority to bring this action is derived from California Code of Regulations, title 2, sections 18361 and 18361.4, subdivision (e), and the statutory law of the State of California, including, Government Code sections 83111, 83116, and 91000.5, which assign to the Enforcement Division the duty to administer, implement, and enforce the provisions of the Political Reform Act, found at Government Code sections 81000 through 91014.

1 3. When enacting the Political Reform Act (the “Act”),¹ California voters specifically found
2 and declared that previous laws regulating political practices had suffered from inadequate enforcement,
3 and it was their purpose to ensure that the Act be vigorously enforced.²

4 4. To that end, the Act must be liberally construed to achieve its purposes.³

5 5. One of the stated purposes of the Act is to ensure that receipts and expenditures in election
6 campaigns are fully and truthfully disclosed, so that voters may be fully informed, and improper practices
7 may be inhibited.⁴ In furtherance of this purpose, the Act establishes a comprehensive campaign reporting
8 system.

9 **RESPONDENTS**

10 6. D. Shelly Yarbrough (“Yarbrough”) was a successful candidate for the Val Verde Unified
11 School District Governing Board (“Board”) in the November 4, 2014 General Election, having served on
12 the Board since 2000. Yarbrough serves as the Committee’s treasurer.

13 7. Yarbrough for Val Verde School Board 2014 (“Committee”) is her candidate-controlled
14 committee formed in connection with the 2014 election.

15 8. The Committee and Yarbrough’s failure to file numerous campaign statements and pay the
16 \$50 annual fee/penalty to the California Secretary of State’s Office (“SOS”) is in violation of the law and
17 public policies of the State of California.

18 **APPLICABLE LAW**

19 9. All applicable law referenced herein is the law as it existed during the relevant time for the
20 violations alleged in this Accusation.

21 **A. Definitions**

22 10. A “candidate” is an individual who is listed on the ballot for election to any elective office.⁵

25 ¹The 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 §§ 18110 through 18997 of Title 2 of
the California Code of Regulations, and all regulatory references are to this source.

26 ² Sections 81001, subdivision (h), and 81002, subdivision (f).

27 ³ Section 81003.

28 ⁴ Section 81002, subdivision (a).

⁵ Section 82007.

1 11. In 2014, a “committee” included any person or combination of persons who received
2 contributions totaling \$1,000 or more in a calendar year,⁶ commonly known as a “recipient committee.”

3 12. A “controlled committee” is a committee that is controlled by a candidate. A candidate
4 controls a committee if she has significant influence on the actions or decisions of a committee.⁷

5 **B. Duty to File Semi-Annual Campaign Statements**

6 13. A controlled committee must file two semi-annual campaign statements each year no later
7 than July 31 for the period ending June 30 and no later than January 31 for the period ending December
8 31.⁸ Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a
9 statement shall be extended to the next regular business day.⁹ If a committee has not previously filed a
10 campaign statement, a period covered by the first campaign statement begins on January 1.¹⁰

11 **C. Duty to Pay \$50 Annual Fee and Penalty to the California Secretary of State**

12 14. Each committee required to file a statement of organization must pay the SOS a \$50 annual
13 fee no later than 15 days after filing its statement of organization and then by January 15 every year
14 thereafter until the committee is terminated.¹¹ A committee that is created and pays the initial fee in the
15 final three months of a calendar year is not subject to the annual fee for the following calendar year.¹² A
16 committee that fails to timely pay the \$50 annual fee is subject to a penalty equal to three times the amount
17 of the fee. The Commission is required to enforce this provision of the Act.¹³

18 **D. Candidate and Treasurer Liability**

19 15. Under the Act, it is the duty of the candidate and the treasurer of a controlled committee to
20 ensure that the committee complies with all the requirements of the Act concerning the receipt,
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22
23

24 ⁶ Former Section 82013, subd. (a).

25 ⁷ Section 82016.

26 ⁸ Section 84200, subd. (a).

27 ⁹ Regulation 18116, subd. (a).

28 ¹⁰ Section 82046, subd. (b).

¹¹ Section 84101.5, subd. (a), (b), and (c)(1).

¹² Section 84101.5, subd. (c)(2).

¹³ Section 84101.5, subd. (d).

1 expenditure, and reporting of funds.¹⁴ The candidate and treasurer may be held jointly and severally liable,
2 along with the committee, for violations committed by the committee.¹⁵

3 **D. Factors for the Commission to Consider**

4 16. In framing a proposed order following a finding of a violation pursuant to section 83116,
5 the Fair Political Practices Commission (“Commission”), and the administrative law judge, shall consider
6 all the surrounding circumstances, including: (1) the seriousness of the violation; (2) the presence or
7 absence of any intention to conceal, deceive or mislead; (3) whether the violation was deliberate, negligent
8 or inadvertent; (4) whether the violator demonstrated good faith by consulting the Commission staff or
9 any other government agency in a manner not constituting a complete defense under section 83114(b); (5)
10 whether the violation was isolated or part of a pattern and whether the violator has a prior record of
11 violations of the Act or similar laws; and (6) whether the violator, upon learning of a reporting violation,
12 voluntarily filed amendments to provide full disclosure.¹⁶

13 **GENERAL FACTS**

14 17. Yarbrough was a successful candidate for the Board in the November 4, 2014 General
15 Election, having served on the Board since 2000. Yarbrough did not run for re-election in 2018.

16 18. On September 18, 2014, the Committee filed an initial statement of organization with the
17 SOS and indicated that it did not qualify as a recipient committee.

18 19. On October 29, 2014, the Committee filed a 24-hour contribution report after receiving a
19 late contribution of \$1,000 on or around October 28, 2014. On or around November 3, 2014, the
20 Committee filed an amended statement of organization with the SOS reporting that it qualified as a
21 recipient committee on October 28, 2014.

22 20. The Committee and Yarbrough were required to pay the \$50 annual fee to the California
23 Secretary of State’s Office (the “SOS”) no later than 15 days after filing the amended statement of
24 organization and then by the January 15, 2016; January 15, 2017; and January 15, 2018 deadlines. Since
25

26 ¹⁴ Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

27 ¹⁵ Sections 83116.5 and 91006.

28 ¹⁶ Regulation 18361.5, subd. (d).

1 the Committee qualified as a recipient committee in the final three months of 2014, it was not required to
2 pay the \$50 annual fee by the January 15, 2015 deadline.

3 21. As a result of qualifying, the Committee was also required to file semi-annual campaign
4 statements each year by January 31 June 30 until it terminated.

5 Semi-Annual Campaign Statements

6 22. The Committee and Yarbrough were required to file a semi-annual campaign statement for
7 the reporting period covering October 19, 2014 – December 31, 2014.

8 23. According to the Registrar of Voters County of Riverside (R.O.V.), the Committee and
9 Yarbrough failed to timely file campaign statement covering the reporting period of October 19, 2014 –
10 December 31, 2014.

11 24. On or around July 2, 2015, the R.O.V. sent a letter to the Committee and Yarbrough to
12 notify them that they were required to file a semi-annual campaign statement for the period ending June
13 30, 2015, by the July 31, 2015 deadline.

14 25. According to the R.O.V., the Committee and Yarbrough did not timely file the statement
15 by the July 31, 2015 deadline.

16 26. On or around December 16, 2015, the R.O.V. sent a letter to the Committee and Yarbrough
17 to notify them that they were required to file a semi-annual campaign statement for the period ending
18 December 31, 2015 by the February 1, 2016 deadline.

19 27. According to the R.O.V., the Committee and Yarbrough did not file the statement by the
20 February 1, 2016 deadline.

21 28. On or around June 16, 2016, the ROV sent a letter to the Committee and Yarbrough to
22 notify them that they were required to file a semi-annual campaign statement for the period ending June
23 30, 2015, by the August 1, 2016 deadline.

24 29. According to the R.O.V., the Committee and Yarbrough did not file the statement by the
25 August 1, 2016 deadline.

1 30. On or around November 29, 2016, the ROV sent a letter to the Committee and Yarbrough
2 to notify them that they were required to file a semi-annual campaign statement for the period ending
3 December 31, 2016, by the January 31, 2017 deadline.

4 31. According to the R.O.V., the Committee and Yarbrough did not file the statement by the
5 January 31, 2017 deadline.

6 32. On or around June 8, 2017, the ROV sent a letter to the Committee and Yarbrough to notify
7 them that they were required to file a semi-annual campaign statement for the period ending June 30,
8 2017, by the July 31, 2017 deadline.

9 33. The Committee and Yarbrough did not file the statement by the July 31, 2017 deadline.

10 34. On or around December 28, 2017, the ROV sent a letter to the Committee and Yarbrough
11 to notify them that they were required to file a semi-annual campaign statement for the period ending
12 December 31, 2017, by the January 31, 2018 deadline.

13 35. According to the R.O.V, the Committee and Yarbrough did not file the statement by the
14 January 31, 2018 deadline.

15 Annual Fees

16 36. On or around September 23, 2014, the SOS sent a letter to notify the Committee and
17 Yarbrough that they would be required to pay a \$50 annual fee not more than 15 days after qualifying as
18 a committee. The SOS also explained that a failure to pay the \$50 fee would result in a \$150 penalty.

19 37. The SOS sent a letter to notify the Committee and Yarbrough that the \$50 annual fee had
20 not been paid, and therefore, a penalty of \$150 was being assessed, making the total owed \$200.¹⁷

21 38. On or around October 28, 2014, the Committee qualified after receiving contribution of
22 \$1,000.

23 39. The Committee did not timely pay the \$50 annual fee, and thus the SOS imposed a penalty
24 of \$150 on the Committee. To date, according to the SOS, neither the fee nor the penalty have been paid.

26
27 ¹⁷ The notification sent by SOS was not dated.

1 40. On or around November 20, 2015, the SOS sent a letter to notify the Committee and
2 Yarbrough that they would be required pay the 2016 annual fee by January 15, 2016.

3 41. On or around June 10, 2016, the SOS sent a letter to notify the Committee and Yarbrough
4 that the \$50 annual fee had not been paid by the deadline, and therefore, a penalty of \$150 was being
5 imposed in addition to the \$50 annual fee.

6 42. On or around November 18, 2016, the SOS sent a letter to notify the Committee and
7 Yarbrough that they would be required to pay a \$50 annual fee by January 15, 2017, and that a \$150
8 penalty would be assessed if the annual fee was not timely paid.

9 43. On or around June 5, 2017, the SOS sent a letter to notify the Committee and Yarbrough
10 that the \$50 annual fee had not been paid by the deadline, and therefore, a penalty of \$150 would be
11 assessed.

12 44. On or around April 10, 2018, the SOS sent a letter to notify the Committee and Yarbrough
13 that the \$50 annual fee had not been paid by the deadline, and therefore, a penalty of \$150 would be
14 assessed.

15 **PROCEDURAL HISTORY**

16 45. The Enforcement Division initiated this administrative action against the Committee and
17 Yarbrough by serving them with a Report in Support of a Finding of Probable Cause (the “Report”). The
18 Committee and Yarbrough were served by certified mail March 7, 2018.¹⁸

19 46. Yarbrough did not request a probable cause hearing within 21 days of being served with
20 the Report thereby waiving their rights to a probable cause hearing.¹⁹

21 47. On September 4, 2018 the Commission’s Hearing Officer issued a Finding of Probable
22 Cause and Order to Prepare and Serve an Accusation. A copy of that order was served on Yarbrough by
23 U.S. mail on September 5, 2018.

24 **VIOLATIONS**

25 48. The Committee and Yarbrough committed eleven violations of the Act, as follows:

26
27 ¹⁸ Sections 83115.5 and 91000.5.

¹⁹ Section 83115 and Regulation 18361.4

1 **Count 1**

2 **Failure to Timely File a Semi-Annual Campaign Statement**

3 49. Complainant incorporates paragraphs 1 – 48 of this Accusation, as though completely set
4 forth herein.

5 50. The Committee and Yarbrough had a duty to file a semi-annual campaign statement for the
6 period covering January 1, 2014 through December 31, 2014, by the due February 2, 2015 deadline.

7 51. The Committee and Yarbrough failed to file the required semi-annual campaign statement
8 by the February 2, 2015 deadline.

9 52. By failing to timely file the semi-annual campaign statement by the February 2, 2015
10 deadline, the Committee and Yarbrough violated of Section 84200.

11 **Count 2**

12 **Failure to Timely File a Semi-Annual Campaign Statement**

13 53. Complainant incorporates paragraphs 1 – 52 of this Accusation, as though completely set
14 forth herein.

15 54. The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement
16 covering the reporting period of January 1, 2015 through June 30, 2015, by the July 31, 2015 deadline.

17 55. The Committee and Yarbrough failed to timely file a semi-annual campaign statement
18 covering the reporting period of January 1, 2015 through June 30, 2015, by the July 31, 2015 deadline.

19 56. By failing to timely file the semi-annual campaign statement by the July 31, 2015 deadline,
20 the Committee and Yarbrough violated Section 84200.

21 **Count 3**

22 **Failure to Timely File a Semi-Annual Campaign Statement**

23 57. Complainant incorporates paragraphs 1 – 56 of this Accusation, as though completely set
24 forth herein.

25 58. The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement
26 covering the reporting period of July 1, 2015 through December 31, 2015, by the February 1, 2016
27 deadline.

1 59. The Committee and Yarbrough failed to timely file a semi-annual campaign statement
2 covering the reporting period of July 1, 2015 through December 31, 2015 by the February 1, 2016
3 deadline.

4 60. By failing to timely file the semi-annual campaign statement by the February 1, 2016
5 deadline, Garza, the Committee and Yarbrough violated Section 84200.

6 **Count 4**

7 **Failure to Timely File a Semi-Annual Campaign Statement**

8 61. Complainant incorporates paragraphs 1 – 60 of this Accusation, as though completely set
9 forth herein.

10 62. The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement
11 covering the reporting period of January 1, 2016 through June 30, 2016, by the August 1, 2016 deadline.

12 63. The Committee and Yarbrough failed to file the required semi-annual campaign statement
13 by the August 1, 2016 deadline.

14 64. By failing to timely file the semi-annual campaign statement by the August 1, 2016
15 deadline, the Committee and Yarbrough violated Section 84200.

16 **Count 5**

17 **Failure to Timely File a Semi-Annual Campaign Statement**

18 65. Complainant incorporates paragraphs 1 – 64 of this Accusation, as though completely set
19 forth herein.

20 66. The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement
21 covering the reporting period of July 1, 2016 through December 31, 2016, by the January 31, 2017
22 deadline.

23 67. The Committee and Yarbrough failed to timely file a semi-annual campaign statement
24 covering the reporting period of July 1, 2016 through December 31, 2016 by the January 31, 2017
25 deadline.

26 68. By failing to timely file the semi-annual campaign statement by the January 31, 2017
27 deadline, the Committee and Yarbrough violated Section 84200.

1 **Count 6**

2 **Failure to Timely File a Semi-Annual Campaign Statement**

3 69. Complainant incorporates paragraphs 1 – 68 of this Accusation, as though completely set
4 forth herein.

5 70. The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement
6 covering the reporting period of January 1, 2017 through June 30, 2017 by July 31, 2017 the deadline.

7 71. The Committee and Yarbrough failed to timely file a semi-annual campaign statement
8 covering the reporting period of January 1, 2017 through June 30, 2017 by July 31, 2017 the deadline.

9 72. By failing to timely file the semi-annual campaign statement by the July 31, 2017 deadline,
10 the Committee and Yarbrough violated Section 84200.

11 **Count 7**

12 **Failure to Timely File a Semi-Annual Campaign Statement**

13 73. Complainant incorporates paragraphs 1 – 72 of this Accusation, as though completely set
14 forth herein.

15 74. The Committee and Yarbrough had a duty to timely file a semi-annual campaign statement
16 covering the reporting period of July 1, 2017 through December 31, 2017 by the January 31, 2018
17 deadline.

18 75. The Committee and Yarbrough failed to timely file a semi-annual campaign statement
19 covering the reporting period of July 1, 2017 through December 31, 2017 by the January 31, 2018
20 deadline.

21 76. By failing to timely file the semi-annual campaign statement by the January 31, 2018, the
22 Committee and Yarbrough violated Section 84200.

23 **Count 8**

24 **Failure to Timely Pay \$50 Annual Fee**

25 77. Complainant incorporates paragraphs 1 – 76 of this Accusation, as though completely set
26 forth herein.

1 78. The Committee and Yarbrough duty to timely pay the 2014 annual fee within 15 days after
2 filing the Committee's statement of organization providing its date of qualification, and to timely pay the
3 resulting \$150 late penalty.

4 79. The Committee and Yarbrough failed to timely pay the 2014 annual fee within 15 days
5 after filing the Committee's statement of organization providing its date of qualification, and failed to pay
6 the resulting \$150 late penalty.

7 80. By failing to timely pay the \$50 annual fee within 15 days after filing the Committee's
8 statement of organization providing its date of qualification and by failing to pay the resulting \$150
9 penalty, the Committee and Yarbrough violated Government Code Section 84101.5, subdivisions (b) and
10 (d).

11 **Count 9**

12 **Failure to Timely Pay \$50 Annual Fee**

13 81. Complainant incorporates paragraphs 1 – 80 of this Accusation, as though completely set
14 forth herein.

15 82. The Committee and Yarbrough had a duty to timely pay the 2016 annual fee by the January
16 15, 2016 due date, and had a duty to pay the resulting \$150 late penalty.

17 83. The Committee and Yarbrough failed to timely pay the 2016 annual fee by the January 15,
18 2016 due date, and failed to pay the resulting \$150 late penalty.

19 84. By failing to pay the \$50 annual fee and resulting penalty, the Committee and Yarbrough
20 violated Government Code Section 84101.5, subdivisions (c) and (d).

21 **Count 10**

22 **Failure to Timely Pay \$50 Annual Fee**

23 85. Complainant incorporates paragraphs 1 – 84 of this Accusation, as though completely set
24 forth herein.

25 86. The Committee and Yarbrough had a duty to timely pay the 2017 annual fee by the January
26 15, 2017 due date, and had a duty to pay the resulting \$150 late penalty.

1 87. The Committee and Yarbrough failed to timely pay the 2017 annual fee by the January 15,
2 2017 due date, and failed to pay the resulting \$150 late penalty.

3 88. By failing to timely pay the \$50 annual fee by the January 15, 2017 due date and resulting
4 penalty, the Committee and Yarbrough violated Government Code Section 84101.5, subdivisions (c) and
5 (d).

6 **Count 11**

7 **Failure to Timely Pay \$50 Annual Fee**

8 89. Complainant incorporates paragraphs 1 – 88 of this Accusation, as though completely set
9 forth herein.

10 90. The Committee and Yarbrough had a duty to timely pay the 2018 annual fee by the January
11 15, 2018 due date, and had a duty to timely pay the resulting \$150 late penalty.

12 91. The Committee and Yarbrough failed to timely pay the 2018 annual fee by the January 15,
13 2018 due date, and failed to pay the resulting \$150 late penalty.

14 92. By failing to timely pay the 2018 annual fee by January 15, 2018 and the resulting penalty,
15 the Committee and Yarbrough Government Code Section Code Section 84101.5, subdivisions (c) and (d).

16 **AGGRAVATING FACTORS**

17 93. Yarbrough has a prior history of violating the Act. In 2011, Yarbrough and her candidate-
18 controlled committee Yarbrough 4 State Senate 2010 received a warning letter for failure to timely file
19 two semi-annual campaign statements (FPPC Case No. 11/674). In 2015, Yarbrough and her candidate-
20 controlled committee Yarbrough 4 Assembly 2014, received a warning letter for failure to timely file a
21 semi-annual campaign statement in a paper format. (FPPC Case No. 15/101).

22 **MITIGATING FACTORS**

23 94. The Enforcement Division is not aware of any mitigating factors.

24 **PRAYER**

25 WHEREFORE, Complainant prays as follows:
26
27
28

1 1. That the Fair Political Practices Commission hold a hearing pursuant to section 83116 and
2 regulation 18361.5, and at such hearing find that the Committee and Yarbrough violated the Act as alleged
3 herein;

4 2. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
5 order the Committee and Yarbrough to pay a monetary penalty of up to \$5,000 for the violation of the Act
6 alleged in **Count 1**;

7 3. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
8 order the Committee and Yarbrough to pay a monetary penalty of up to \$5,000 for the violation of the Act
9 alleged in **Count 2**;

10 4. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
11 order the Committee and Yarbrough to pay a monetary penalty of up to \$5,000 for the violation of the Act
12 alleged in **Count 3**;

13 5. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
14 order the Committee and Yarbrough to pay a monetary penalty of up to \$5,000 for the violation of the Act
15 alleged in **Count 4**;

16 6. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
17 order the Committee and Yarbrough to pay a monetary penalty of up to \$5,000 for the violation of the Act
18 alleged in **Count 5**;

19 7. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
20 order the Committee and Yarbrough to pay a monetary penalty of up to \$5,000 for the violation of the Act
21 alleged in **Count 6**;

22 8. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
23 order the Committee and Yarbrough to pay a monetary penalty of up to \$5,000 for the violation of the Act
24 alleged in **Count 7**;

25 9. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
26 order the Committee and Yarbrough to pay a monetary penalty of up to \$200 for the violation of the Act
27 alleged in **Count 8**;

1 10. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
2 order the Committee and Yarbrough to pay a monetary penalty of up to \$200 for the violation of the Act
3 alleged in **Count 9**;

4 11. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
5 order the Committee and Yarbrough to pay a monetary penalty of up to \$200 for the violation of the Act
6 alleged in **Count 10**;

7 12. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
8 order the Committee and Yarbrough to pay a monetary penalty of up to \$200 for the violation of the Act
9 alleged in **Count 11**;

10 13. That the Fair Political Practices Commission, pursuant to regulation 18361.5, subdivision
11 (d), consider the following factors in framing a proposed order following a finding of a violation pursuant
12 to Section 83116: (1) the seriousness of the violation; (2) the presence or absence of any intention to
13 conceal, deceive or mislead; (3) whether the violation was deliberate, negligent or inadvertent; (4) whether
14 the violator demonstrated good faith by consulting the Commission staff or any other government agency
15 in a manner not constituting a complete defense under section 83114(b); (5) whether the violation was
16 isolated or part of a pattern and whether the violator has a prior record of violations of the Act or similar
17 laws; and (6) whether the violator, upon learning of a reporting violation, voluntarily filed amendments to
18 provide full disclosure.

19 14. That the Fair Political Practices Commission grant such other and further relief as it deems
20 just and proper.

21
22 Dated: 17 June 2020

23 Respectfully Submitted,

24 **FAIR POLITICAL PRACTICES COMMISSION**

25 

26 _____
27 Galena West
27 Chief of Enforcement
27 Fair Political Practices Commission

Exhibit A-7

EXCALIBUR ATTORNEY SERVICE
 231 E. ALESSANDRO BOULEVARD, SUITE # A368
 RIVERSIDE, CA 92508

INVOICE: 4634150
 Issued: Jun 26, 2020

CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
 Suzanna Gevorkyan
 428 J STREET SUITE 620
 SACRAMENTO, CA 95814

PAY TO: EXCALIBUR ATTORNEY SERVICE 231 E. ALESSANDRO BOULEVARD, SUITE # A368 RIVERSIDE, CA 92508

Case: 16/177 Job: 4634150 (D. SHELLY YARBROUGH)	Plaintiff / Petitioner: IN THE MATTER OF YARBROUGH FOR VAL VERDE SCHOOL BOARD 2014 and D. SHELLY YARBROUGH Defendant / Respondent:
--	---

Item	Description	Cost	Quantity	Total
SERVICE OF PROCESS	1) Unsuccessful Attempt: Jun 24, 2020, 11:07 am PDT at GATED PROPERTY: 1770 E RIDER ST, PERRIS, CA 92571 Gated property. No access at this time due to locked gate and tall fence. 2) Unsuccessful Attempt: Jun 24, 2020, 2:35 pm PDT at 21462 HARVILLE AVE SUITE #1, PERRIS, CA 92570 Business is no longer at this location. 3) Successful Attempt: Jun 24, 2020, 2:50 pm PDT at GATED PROPERTY: 1770 E RIDER ST, PERRIS, CA 92571 received by D. SHELLY YARBROUGH. Age: 60ish; Ethnicity: Caucasian; Gender: Female; Weight: 275; Height: 5'5"; Hair: Brown. Process server was able to effectuate service of process on the servee due to the fact that the she was coming home during the service attempt.	\$65.00	1	\$65.00

THANK YOU, WE DO APPRECIATE YOUR BUSINESS.	Total: \$65.00 Amount Paid: (\$0.00) Balance Due: \$65.00
--	--

EXCALIBUR ATTORNEY SERVICE • 231 E. ALESSANDRO BOULEVARD, SUITE # A368, RIVERSIDE, CA 92508

Call: (877) 378-3843 • Fax: (888) 378-0782 • Email: ATTYSERVICES@SBCGLOBAL.NET • Visit: yourprocessserver.org

AFFIDAVIT OF SERVICE

Case: 16/177	Court: BEFORE THE FAIR POLITICAL PRACTICES COMMISSION * STATE OF CALIFORNIA	County: SACRAMENTO, CA	Job: 4634150 (D. SHELLY YARBROUGH)
Plaintiff / Petitioner: IN THE MATTER OF YARBROUGH FOR VAL VERDE SCHOOL BOARD 2014 and D. SHELLY YARBROUGH		Defendant / Respondent:	
Received by: EXCALIBUR ATTORNEY SERVICE		For: CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION	
To be served upon: D. SHELLY YARBROUGH			

I, BRANDON SORENSEN, 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: D. SHELLY YARBROUGH, GATED PROPERTY: [REDACTED]
Manner of Service: Personal/Individual, Jun 24, 2020, 2:50 pm PDT
Documents: STATEMENT TO RESPONDENT; FPPC CASE. 16/117; ACCUSATION; NOTICE OF DEFENSE (TWO COPIES);
 SELECTED SECTIONS OF THE CALIFORNIA GOVERNMENT CODE, ADMINISTRATIVE PROCEDURE ACT

Additional Comments:
 1) Unsuccessful Attempt: Jun 24, 2020, 11:07 am PDT at GATED PROPERTY: [REDACTED]
 Gated property. No access at this time due to locked gate and tall fence.
 2) Unsuccessful Attempt: Jun 24, 2020, 2:35 pm PDT at 21462 HARVILLE AVE SUITE #1, PERRIS, CA 92570
 Business is no longer at this location.
 3) Successful Attempt: Jun 24, 2020, 2:50 pm PDT at GATED PROPERTY: [REDACTED] received by D. SHELLY
 YARBROUGH. Age: 60ish; Ethnicity: Caucasian; Gender: Female; Weight: 275; Height: 5'5"; Hair: Brown. Process server was able to effectuate
 service of process on the servee due to the fact that the she was coming home during the service attempt.

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

 _____
 Date

BRANDON SORENSEN
 CALIFORNIA PROCESS SERVER
 REGISTRATION NUMBER: PS - 001726
 COUNTY OF: RIVERSIDE

EXCALIBUR ATTORNEY SERVICE
 231 E. ALESSANDRO BOULEVARD, SUITE # A368
 RIVERSIDE, CA 92508
 OFFICE: (877) 378-3843

Exhibit A-8



FAIR POLITICAL PRACTICES COMMISSION

1102 Q St • Suite 3000 • Sacramento, CA 95811
(916) 322-5772 • Fax (916) 322-0886

STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

YARBROUGH FOR VAL VERDE SCHOOL BOARD 2014 and D. SHELLY YARBROUGH *FPPC Case No. 16/117*

Enclosed is an Accusation, which was filed with the Fair Political Practices Commission (the "FPPC") and which is hereby served upon you, along with two copies of a Notice of Defense and Government Code Sections 11506 through 11508.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the FPPC within 15 days after the Accusation was served on you, the FPPC may proceed upon the Accusation without a hearing. The request for a hearing may be made by delivering or mailing the enclosed form entitled Notice of Defense, or by delivering or mailing a notice of defense as provided by Section 11506 of the Government Code to the Commission Assistant at the FPPC.

You may, but need not, be represented by counsel at any or all stages of these proceedings.

If you desire a list of the names and addresses of witnesses against you, or an opportunity to inspect and copy the items mentioned in Section 11507.6 of the Government Code that are in the possession, custody, or control of this agency, or if you wish to discuss the possibility of resolving this matter without a formal hearing, you may contact Michael W. Hamilton, Commission Counsel, FPPC Enforcement Division.

The hearing may be postponed for good cause. If you have good cause, you are obliged to notify the FPPC or, if an administrative law judge has been assigned to the hearing, the Office of Administrative Hearings, within 10 working days after you discover the good cause. Failure to give notice within 10 days will deprive you of a postponement.

After a hearing, the FPPC will consider the following factors in determining whether to assess a penalty (Title 2, California Code of Regulations, Section 18361.5, subdivision (d).):

1. The seriousness of the violation;
2. The presence or absence of any intention to conceal, deceive, or mislead;
3. Whether the violation was deliberate, negligent, or inadvertent;
4. Whether the violator demonstrated good faith by consulting Commission staff or any other government agency in a manner not constituting a complete defense under Government Code Section 83114, subdivision (b);
5. Whether the violation was isolated or part of a pattern;

6. Whether the violator has a prior record of violations of the Political Reform Act or similar laws;
and
7. Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.



Before the Fair Political Practices Commission

State of California

In the Matter of) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
) FPPC Case No. 16/117
YARBROUGH FOR VAL VERDE)
SCHOOL BOARD 2014 and D. SHELLY)
YARBROUGH,)
)
)
)
Respondents.)

YARBROUGH FOR VAL VERDE SCHOOL BOARD 2014 and D. SHELLY YARBROUGH, respondents named in the above entitled proceeding, hereby acknowledge receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

Pursuant to Government Code Section 11506, subdivision (a), you may file this *NOTICE OF DEFENSE* requesting a hearing on the grounds listed below. Failure to file this *NOTICE OF DEFENSE* shall constitute a waiver of your right to a hearing. If you waive your right to a hearing, you may file a statement of mitigation by separate letter that will be considered by the Commission in assessing any penalties for the violations alleged in the Accusation.

If you wish to file a *NOTICE OF DEFENSE*, please check **all** applicable grounds for the *NOTICE OF DEFENSE*, complete the remainder of the form, and mail to the Commission within fifteen (15) days of receipt of the Accusation.

GROUND FOR NOTICE OF DEFENSE

- 1) I request a hearing;
- 2) I object to the Accusation upon the ground that it does not state acts or omissions upon which the agency may proceed;
- 3) I object to the form of the Accusation on the ground that it is so indefinite or uncertain that I cannot identify the transaction that is the subject of the Accusation or prepare my defense;
- 4) I admit the Accusation in whole or in part (check box "a" or "b");
 - a) I admit the Accusation in whole.
 - b) I admit the Accusation in part as indicated below:

- 5) I wish to present new matter by way of defense;
- 6) I object to the accusation upon the ground that, under the circumstances, compliance with the requirements of a regulation of the Fair Political Practices Commission would result in a material violation of another regulation enacted by another department affecting substantive rights.

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
) FPPC Case No. 16/117
 YARBROUGH FOR VAL VERDE)
 SCHOOL BOARD 2014 and D. SHELLY)
 YARBROUGH,)
)
)
)
)
)
 Respondents.)

YARBROUGH FOR VAL VERDE SCHOOL BOARD 2014 and D. SHELLY YARBROUGH, respondents named in the above entitled proceeding, hereby acknowledge receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

Pursuant to Government Code Section 11506, subdivision (a), you may file this *NOTICE OF DEFENSE* requesting a hearing on the grounds listed below. Failure to file this *NOTICE OF DEFENSE* shall constitute a waiver of your right to a hearing. If you waive your right to a hearing, you may file a statement of mitigation by separate letter that will be considered by the Commission in assessing any penalties for the violations alleged in the Accusation.

If you wish to file a *NOTICE OF DEFENSE*, please check **all** applicable grounds for the *NOTICE OF DEFENSE*, complete the remainder of the form, and mail to the Commission within fifteen (15) days of receipt of the Accusation.

GROUND FOR NOTICE OF DEFENSE

- 1) I request a hearing;
- 2) I object to the Accusation upon the ground that it does not state acts or omissions upon which the agency may proceed;
- 3) I object to the form of the Accusation on the ground that it is so indefinite or uncertain that I cannot identify the transaction that is the subject of the Accusation or prepare my defense;
- 4) I admit the Accusation in whole or in part (check box "a" or "b");
 - a) I admit the Accusation in whole.
 - b) I admit the Accusation in part as indicated below:

- 5) I wish to present new matter by way of defense;
- 6) I object to the accusation upon the ground that, under the circumstances, compliance with the requirements of a regulation of the Fair Political Practices Commission would result in a material violation of another regulation enacted by another department affecting substantive rights.

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip

California Government Code sections 11506 through 11508

§ 11506. Filing of notice of defense or notice of participation; Contents; Right to hearing on the merits

(a) Within 15 days after service of the accusation or District Statement of Reduction in Force the respondent may file with the agency a notice of defense, or, as applicable, notice of participation, in which the respondent may:

(1) Request a hearing.

(2) Object to the accusation or District Statement of Reduction in Force upon the ground that it does not state acts or omissions upon which the agency may proceed.

(3) Object to the form of the accusation or District Statement of Reduction in Force on the ground that it is so indefinite or uncertain that the respondent cannot identify the transaction or prepare a defense.

(4) Admit the accusation or District Statement of Reduction in Force in whole or in part.

(5) Present new matter by way of defense.

(6) Object to the accusation or District Statement of Reduction in Force upon the ground that, under the circumstances, compliance with the requirements of a regulation would result in a material violation of another regulation enacted by another department affecting substantive rights.

(b) Within the time specified the respondent may file one or more notices of defense, or, as applicable, notices of participation, upon any or all of these grounds but all of these notices shall be filed within that period unless the agency in its discretion authorizes the filing of a later notice.

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense or notice of participation, and the notice shall be deemed a specific denial of all parts of the accusation or District Statement of Reduction in Force not expressly admitted. Failure to file a notice of defense or notice of participation shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing. Unless objection is taken as provided in paragraph (3) of subdivision (a), all objections to the form of the accusation or District Statement of Reduction in Force shall be deemed waived.

(d) The notice of defense or notice of participation shall be in writing signed by or on behalf of the respondent and shall state the respondent's mailing address. It need not be verified or follow any particular form.

(e) As used in this section, "file," "files," "filed," or "filing" means "delivered or mailed" to the agency as provided in Section 11505.

HISTORY: Added Stats 1945 ch 867 § 1. Amended Stats 1963 ch 931 § 1; Stats 1982 ch 606 § 1; Stats 1986 ch 951 § 20; Stats 1995 ch 938 § 29 (SB 523), operative July 1, 1997; Stats 2013 ch 90 § 5 (SB 546), effective January 1, 2014.

§ 11507. Amended or supplemental accusation or District Statement of Reduction in Force; Objections

At any time before the matter is submitted for decision, the agency may file, or permit the filing of, an amended or supplemental accusation or District Statement of Reduction in Force. All parties shall be notified of the filing. If the amended or supplemental accusation or District Statement of Reduction in Force presents new charges, the agency shall afford the respondent a reasonable opportunity to prepare his or her defense to the new charges, but he or she shall not be entitled to file a further pleading unless the agency in its discretion so orders. Any new charges shall be deemed controverted, and any objections to the amended or supplemental accusation or District Statement of Reduction in Force may be made orally and shall be noted in the record.

HISTORY: Added Stats 1945 ch 867 § 1. Amended Stats 2013 ch 90 § 6 (SB 546), effective January 1, 2014; Stats 2014 ch 71 § 69 (SB 1304), effective January 1, 2015.

§ 11507.3. Consolidated proceedings; Separate hearings

(a) When proceedings that involve a common question of law or fact are pending, the administrative law judge on the judge's own motion or on motion of a party may order a joint hearing of any or all the matters at issue in the proceedings. The administrative law judge may order all the proceedings consolidated and may make orders concerning the procedure that may tend to avoid unnecessary costs or delay.

(b) The administrative law judge on the judge's own motion or on motion of a party, in furtherance of convenience or to avoid prejudice or when separate hearings will be conducive to expedition and economy, may order a separate hearing of any issue, including an issue raised in the notice of defense or notice of participation, or of any number of issues.

HISTORY: Added Stats 1995 ch 938 § 30 (SB 523), operative July 1, 1997. Amended Stats 2013 ch 90 § 7 (SB 546), effective January 1, 2014.

///

§ 11507.5. Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

HISTORY: Added Stats 1968 ch 808 § 3.

§ 11507.6. Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

HISTORY: Added Stats 1968 ch 808 § 4. Amended Stats 1985 ch 1328 § 5; Stats 1995 ch 938 § 31 (SB 523), operative July 1, 1997.

§ 11507.7. Motion to compel discovery; Order

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of *Section 915 of the Evidence Code* and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become

effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

HISTORY: Added Stats 1968 ch 808 § 5. Amended Stats 1971 ch 1303 § 8; Stats 1980 ch 548 § 2; Stats 1995 ch 938 § 32 (SB 523), operative July 1, 1997.

§ 11508. Time and place of hearing

(a) The agency shall consult the office, and subject to the availability of its staff, shall determine the time and place of the hearing. The hearing shall be held at a hearing facility maintained by the office in Sacramento, Oakland, Los Angeles, or San Diego and shall be held at the facility that is closest to the location where the transaction occurred or the respondent resides.

(b) Notwithstanding subdivision (a), the hearing may be held at either of the following places:

(1) A place selected by the agency that is closer to the location where the transaction occurred or the respondent resides.

(2) A place within the state selected by agreement of the parties.

(c) The respondent may move for, and the administrative law judge has discretion to grant or deny, a change in the place of the hearing. A motion for a change in the place of the hearing shall be made within 10 days after service of the notice of hearing on the respondent.

Unless good cause is identified in writing by the administrative law judge, hearings shall be held in a facility maintained by the office.

HISTORY: Added Stats 1945 ch 867 § 1. Amended Stats 1963 ch 710 § 1; Stats 1967 ch 17 § 39; Stats 1987 ch 50 § 1; Stats 1995 ch 938 § 33 (SB 523), operative July 1, 1997; Stats 2005 ch 674 § 22 (SB 231), effective January 1, 2006.

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, Sacramento, California 95811. On 6/17/2020, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 16/117: Accusation;
3. Notice of Defense (Two Copies);
4. Selected Sections of the California Government Code, Administrative Procedure Act.

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 1:55 a.m./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.**

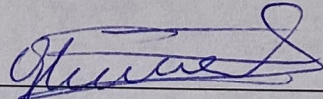
I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

SERVICE LIST

Personal Service

Shelly Yarbrough, individually and o/b/o of
Yarbrough for Val Verde School Board 2014

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 6/17/2020.



Suzanna Gevorkyan

Exhibit A-9

Statement of Organization Recipient Committee

R-33
1371737

Statement Type

Initial

Not yet qualified or

Amendment

List I.D. number:

Termination – See Part 5

List I.D. number:

_____/_____/_____
Date qualified as committee

_____/_____/_____
Date qualified as committee
(If applicable)

_____/_____/_____
Date of Termination

Date Stamp	CALIFORNIA FORM 410
RECEIVED AND FILED in the office of the Secretary of State of the State of California	For Official Use Only
SEP 18 2014	

1. Committee Information

NAME OF COMMITTEE

Yarbrough For Val Verde School Board 2014

STREET ADDRESS (NO P.O. BOX)

1770 East Rider Street

CITY STATE ZIP CODE AREA CODE/PHONE

Perris CA 92571 (951)961-6757

MAILING ADDRESS (IF DIFFERENT)

FAX / E-MAIL ADDRESS

COUNTY OF DOMICILE

Riverside

JURISDICTION WHERE COMMITTEE IS ACTIVE

2. Treasurer and Other Principal Officers

NAME OF TREASURER

D. Shelly Yarbrough

STREET ADDRESS (NO P.O. BOX)

1770 East Rider Street

CITY STATE ZIP CODE AREA CODE/PHONE

Perris CA 92571 (951)961-6757

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

NAME OF PRINCIPAL OFFICER(S)

D. Shelly Yarbrough

STREET ADDRESS (NO P.O. BOX)

1770 East Rider Street

CITY STATE ZIP CODE AREA CODE/PHONE

Perris CA 92571 (951)961-6757

3. Verification

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 9-17-14 By D. Shelly Yarbrough
DATE SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on 9-17-14 By D. Shelly Yarbrough
DATE SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Executed on _____ By _____
DATE SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Executed on _____ By _____
DATE SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

**CALIFORNIA
FORM 410**

Page 2

COMMITTEE NAME

Yarbrough For Val Verde School Board 2014

I.D. NUMBER

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION	AREA CODE/PHONE	BANK ACCOUNT NUMBER
ADDRESS	CITY	STATE ZIP CODE

4. Type of Committee. Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
Darlene "Shelly" Yarbrough	Val Verde School District Board Member	2014	<input checked="" type="checkbox"/> Nonpartisan
			<input type="checkbox"/> Nonpartisan

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	
		SUPPORT	OPPOSE
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Exhibit A-10

497 Contribution Report

Type or print in ink.
Amounts may be rounded to whole dollars.

497 CONTRIBUTION REPORT

NAME OF FILER Yarbrough for Val Verde School Board 2014			Date of This Filing 10-29-2014	RECEIVED 14 OCT 29 PM 4:07 REGISTRAR OF VOTERS COUNTY OF RIVERSIDE	CALIFORNIA FORM 497 For Official Use Only
AREA CODE/PHONE NUMBER [REDACTED]	I.D. NUMBER (if applicable) 1371737	Report No. 201401			
STREET ADDRESS [REDACTED]			<input type="checkbox"/> Amendment to Report No. _____ (explain below)		
CITY Perris	STATE CA	ZIP CODE 92571	No. of Pages 1		

1. Contribution(s) Received

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR <small>(IF COMMITTEE, ALSO ENTER I.D. NUMBER)</small>	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER <small>(IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)</small>	AMOUNT RECEIVED
10-28-2014	Building Industry Association of Southern California PAC c/o Reed & Davidson LLP [REDACTED] Los Angeles, CA90071 ID# 741733	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		1,000.00 <input type="checkbox"/> Check if Loan _____% Provide interest rate
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		<input type="checkbox"/> Check if Loan _____% Provide interest rate
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		<input type="checkbox"/> Check if Loan _____% Provide interest rate

****Contributor Codes**
 IND - Individual
 COM - Recipient Committee (other than PTY or SCC)
 OTH - Other (e.g., business entity)
 PTY - Political Party
 SCC - Small Contributor Committee

Reason for Amendment: _____

Exhibit A-11

R33
L

1371737

Statement of Organization Recipient Committee

Statement Type Initial Amendment Termination - See Part 5

Not yet qualified or List I.D. number: # 1371737

Date qualified as committee: 10/28/2014 Date of Termination: _____

Date Stamp

RECEIVED AND FILED
In the office of the Secretary of State of the State of California

NOV 03 2014

CALIFORNIA FORM 410
For Official Use Only

1. Committee Information

NAME OF COMMITTEE: Yarbrough for Val Verde School Board 2014

STREET ADDRESS (NO P.O. BOX): 1770 East Rider Street

CITY: Perris STATE: CA ZIP CODE: 92571 AREA CODE/PHONE: (951)961-6757

MAILING ADDRESS (IF DIFFERENT): _____

FAX / E-MAIL ADDRESS: _____

COUNTY OF DOMICILE: _____ JURISDICTION WHERE COMMITTEE IS ACTIVE: _____

2. Treasurer and Other Principal Officers

NAME OF TREASURER: D. Shelly Yarbrough

STREET ADDRESS (NO P.O. BOX): 1770 East Rider Street

CITY: Perris STATE: CA ZIP CODE: 92571 AREA CODE/PHONE: (951)961-6757

NAME OF ASSISTANT TREASURER, IF ANY: _____

STREET ADDRESS (NO P.O. BOX): _____

CITY: _____ STATE: _____ ZIP CODE: _____ AREA CODE/PHONE: _____

NAME OF PRINCIPAL OFFICER(S): D. Shelly Yarbrough

STREET ADDRESS (NO P.O. BOX): 1770 East Rider Street

CITY: Perris STATE: CA ZIP CODE: 92571 AREA CODE/PHONE: (951)961-6757

Attach additional information on appropriately labeled continuation sheets.

3. Verification

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 10/31/14 By D. Shelly Yarbrough
DATE SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on 10/31/14 By D. Shelly Yarbrough
DATE SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Executed on _____ By _____
DATE SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Executed on _____ By _____
DATE SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

**CALIFORNIA
FORM 410**

Page 2

COMMITTEE NAME
Yarborough for Val Verde School Board

I.D. NUMBER
1371737

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION Wells Fargo Bank	AREA CODE/PHONE (951)653-0435	BANK ACCOUNT NUMBER [REDACTED]
ADDRESS 12625 Frederick Street, Suite U	CITY Moreno Valley	STATE ZIP CODE CA 92553

4. Type of Committee Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
D. Shelly Yarborough	Val Verde School District Board Member	2014	<input checked="" type="checkbox"/> Nonpartisan
			<input type="checkbox"/> Nonpartisan

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	
		SUPPORT <input type="checkbox"/>	OPPOSE <input type="checkbox"/>
		SUPPORT <input type="checkbox"/>	OPPOSE <input type="checkbox"/>

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

**CALIFORNIA
FORM 410**

Page 3

COMMITTEE NAME

Yarbrough for Val Verde School Board

I.D. NUMBER

1371737

4. Type of Committee (Continued)

General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:

CITY Committee COUNTY Committee STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

Small Contributor Committee

_____/_____/_____
Date qualified

5. Termination Requirements

By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
 - This committee does not anticipate receiving contributions or making expenditures in the future;
 - This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
 - This committee has no surplus funds; and
 - This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
- There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.
- Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

Exhibit A-12

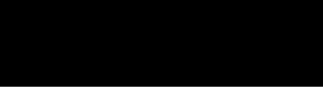


DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel (916) 653-6224 | Fax (916) 653-5045 | www.sos.ca.gov

September 23, 2014

D. SHELLY YARBROUGH
YARBROUGH FOR VAL VERDE SCHOOL BOARD 2014, ID# 1371737



Dear Committee Treasurer:

Thank you for filing your Recipient Committee Statement of Organization (Form 410). Your committee identification number is **1371737**. This number should be used on all the campaign statements your committee files. Also, it is used as identification information to be given to all persons and committees to whom you make contributions.

(Note: All section references pertain to the California Government Code.)

Section 84101.5 requires all qualified recipient committees pay an annual fee of \$50, payable to the Secretary of State.

- A committee that has not yet qualified when the initial Statement of Organization is filed is not required to pay the \$50 annual fee at that time.
- Once the committee has qualified, an amending Form 410 must be filed within 10 days to provide our office with the committee's date of qualification (the date by which the committee raised or spent \$1,000). The \$50 annual fee is then due and must be paid no later than 15 days after filing the amending Form 410 providing the committee's date of qualification. To ensure that this payment is made timely, the amending Form 410 and the payment fee can be submitted together.
- If your committee had already qualified at the time the initial Form 410 was filed, the annual fee is due and payable within 15 days of the Form 410's submission.
- Qualified committees that form during the last three months of a calendar year must pay the \$50 fee within 15 days of filing a Form 410, but are not subject to the fee in the following year.
- **The \$50 fee is an annual fee, which means that a qualified committee must pay the fee each year it retains an active status. (Even if the committee has no activity, it retains active status until it is officially terminated.) Once a committee pays the initial fee described above, the committee must continue to pay the annual \$50 fee due each year by January 15th for as long as the committee continues to exist.**
- Any committee that does not pay the fee on time is subject to a penalty of \$150.
- If and when your committee ceases to have any activity, it may be terminated by filing a Form 410 and providing an effective date of termination (see below). Once a committee is terminated, no future annual fees will be assessed.

D. SHELLY YARBROUGH

September 23, 2014

Page 2

Based on your Statement of Organization, your filing jurisdiction is at the city or county level (§ 84215). Since the Secretary of State is a state level filing officer, you will not ordinarily be required to file campaign disclosure statements with this office.

Please refer to the information sheet "Where Statements Must be Filed by Candidates, Officeholders, and Campaign Committees at the Local Level" (<http://www.sos.ca.gov/prd/campaign-info/filing-requirements/where-to-file-local.htm>) in order to determine your appropriate local filing officer(s).

You may need to file semi-annual statements (§ 84200.5) on an ongoing basis, even if you have no activity. Your committee may also be required to file several types of pre-election and election-specific statements, late contribution (§ 84203) and late independent expenditure (§ 84204) reports, various types of amendments (§ 81004.5), termination statements (§ 84214), and other special reports required by law. In addition, candidates may be required to file Candidate Intention Statements (§ 85200), statements of economic interests (§ 87201), and other types of reports. Please refer to the appropriate Fair Political Practices Commission (FPPC) campaign information manual for your specific filing requirements.

Changes may occur in the information contained in your original or currently-filed Statement of Organization. For example, you may change the name of your committee, addresses, or treasurers. You must designate a Statement of Organization as an "amendment" and file an original and one copy with this office within 10 days of any change (§ 84103(a)). In addition, if any information contained in your currently-filed Statement of Organization changes during the 16 days immediately preceding the election in which the committee is required to file a pre-election statement, an amendment must be filed within 24 hours of the change. Keep in mind that a copy of all committee registration statements must also be filed with your appropriate local filing officer (§ 84101(a)).

The law prohibits a committee from making or receiving contributions without a treasurer. If you resign as the committee treasurer, your committee cannot make any financial transactions until a new treasurer is appointed and the amendment is filed with this office (§ 84100).

When your committee is no longer active, or if it disbands, you must designate a Statement of Organization as a "termination" and file an original and one copy with the Secretary of State's office in order to officially terminate your active status. Until such a Statement is filed, your committee will be subject to all filing requirements and deadlines, annual fees, and possible late penalties (§ 84214).

Appropriate forms and manuals may be obtained from your local filing officer or you may download the latest forms, manuals, and filing schedules from the FPPC website at www.fppc.ca.gov.

If you have any questions about your campaign filing requirements, please contact your local filing officer or the Fair Political Practices Commission at (916) 322-5660. If you have any questions about your Statement of Organization, call Cindy Pon at (916) 653-3234 or Troy Ramon at (916) 653-8069.

Rev: 09/14

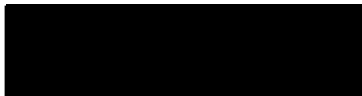


ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

November 20, 2015

D. SHELLY YARBROUGH
YARBROUGH FOR VAL VERDE SCHOOL BOARD 2014 ID#1371737



Dear Committee Treasurer:

Government Code section 84101.5 imposes an annual fee on all active (not terminated) state and local campaign committees. **The annual fee of \$50 is due and payable on January 15, 2016 for the above referenced committee if the committee will continue to exist in 2016, regardless of the level of activity.**

If the fee is not paid by the January 15, 2016 deadline, the law imposes an additional \$150 penalty, which will require the committee pay a total of \$200 (the \$50 annual fee plus the \$150 penalty).

If the committee will cease activity by no later than December 31, 2015, no fee for 2016 will be due. However a terminating Statement of Organization (Form 410) will need to be **filed with the Secretary of State's Office** by January 31, 2016.

An online fillable Form 410 can be accessed at the Secretary of State's webpage at www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm. The rules can be found at the FPPC website, <http://www.fppc.ca.gov/index.php?id=633>.

Your committee will **not** receive any further notice or invoice in advance of the January 15, 2016, annual fee payment deadline.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

CHRIS REYNOLDS, Chief

Political Reform Division

Please detach and enclose with your payment
Committee ID # **1371737**

Amount Enclosed _____

Please remit your annual fee payment (\$50),
along with any forms to:

Secretary of State
Political Reform Division
1500 11th Street – Room 495
Sacramento, CA 95814

Make your check payable to the **Secretary of State** and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.

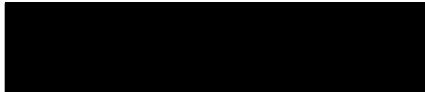


ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

June 10, 2016

D. SHELLY YARBROUGH
YARBROUGH FOR VAL VERDE SCHOOL BOARD 2014 #1371737



Dear Committee Treasurer:

The committee identified above is still an active committee, according to our records, and no payment for the 2016 \$50 annual fee was **received by the deadline** prescribed by law. Therefore, the committee owes a penalty of \$150, in addition to the original annual fee of \$50 (for a total of \$200), payable immediately.

If the annual fee of \$50 has been paid, the \$150 penalty is due immediately.

Please remit your penalty and/or annual fee to:

Secretary of State
Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814

Make your check payable to the Secretary of State and please write your committee ID number in the memo field on the lower left portion of the check to ensure the payment is posted to your account.

If payment is not received in a timely manner then the committee will be referred to the Fair Political Practices Commission which may result in enforcement action and additional penalties.

Please note that this is an **annual** fee, which will be assessed again for 2017 and in future years until the committee is terminated.

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at: <http://www.sos.ca.gov/campaign-lobbying/campaign-disclosure-and-requirements/campaign-forms-and-instructions/>. Terminating the committee does **not** relieve the committee of its obligation to pay the annual fee and/or penalty owed at this time.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division

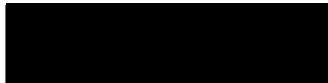


ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

November 18, 2016

D. SHELLY YARBROUGH
YARBROUGH FOR VAL VERDE SCHOOL BOARD 2014 #1371737



Dear Committee Treasurer:

Government Code section 84101.5 imposes an annual fee on all active (not terminated) state and local campaign committees. **The annual fee of \$50 is due and payable on January 15, 2017 for the above referenced committee if the committee will continue to exist in 2017 regardless of the level of activity.**

If the fee is due and not paid by the January 15, 2017 deadline, the law imposes an additional \$150 penalty, which will require the committee pay a total of \$200 (the \$50 annual fee plus the \$150 penalty).

If the committee will cease activity by no later than December 31, 2016, no fee for 2017 will be due. However a terminating Statement of Organization (Form 410) will need to be **filed with the Secretary of State's Office** by January 31, 2017. An online fillable Form 410 can be accessed at the Secretary of State's webpage at www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm. The rules can be found at the FPPC website, <http://www.fppc.ca.gov/index.php?id=633>. Your committee will **not** receive any further notice or invoice in advance of the January 15, 2017, annual fee payment deadline.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division

Please detach and enclose with your payment

Committee ID #1371737

Amount Enclosed _____

Please remit your annual fee payment (\$50),
along with any forms to:
Political Reform Division
1500 11th Street – Room 495
Sacramento, CA 95814

Secretary of State

Make your check payable to the **Secretary of State** and please write your **committee ID number** on the lower left portion of the check to ensure the payment is posted to your account.



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

June 5, 2017

D. SHELLY YARBROUGH
YARBROUGH FOR VAL VERDE SCHOOL BOARD 2014 #1371737



Dear Committee Treasurer:

The committee identified above is still an active committee, according to our records, and no payment for the 2017 \$50 annual fee was **received by the deadline** prescribed by law. Therefore, the committee owes a penalty of \$150, in addition to the original annual fee of \$50 (for a total of \$200), payable immediately.

If the annual fee of \$50 has been paid, the \$150 penalty is due immediately.

Please remit your penalty and/or annual fee to:

Secretary of State
Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814

Make your check payable to the Secretary of State and write your committee ID number in the memo field on the lower left portion of the check to ensure the payment is posted to your account.

If payment is not received in a timely manner then the committee will be referred to the Fair Political Practices Commission which may result in enforcement action and additional penalties.

Please note that this is an **annual** fee, which will be assessed again for 2018 and in future years until the committee is terminated.

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at: <http://www.sos.ca.gov/campaign-lobbying/campaign-disclosure-and-requirements/campaign-forms-and-instructions/>. Terminating the committee does **not** relieve the committee of its obligation to pay the annual fee and/or penalty owed at this time.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535 or email: annualfee@sos.ca.gov.

Sincerely,

Mary Wray
Chief
Political Reform Division



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

September 4, 2018

YARBROUGH FOR VAL VERDE SCHOOL BOARD 2014
#1371737



Dear Committee Treasurer:

The committee identified above has **NOT** paid the **2016** \$50 annual fee **and/or** \$150 penalty in accordance to Government Code section 84101.5.

If payment is not received by October 10, 2018 then the committee will be referred to the Fair Political Practices Commission where additional fees may be assessed. This is the final notice before the committee is referred to the Commission.

Please remit your payment to: Secretary of State
(Total: \$200) Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814

Make your check payable to the **Secretary of State** and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.

Please note that this is an **annual** fee, which will be assessed again for 2019 and in future years for as long as the committee remains active.

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be access at the Secretary of State webpage at <http://www.sos.ca.gov/campaign-lobbying/campaign-disclosure-and-requirements/campaign-forms-and-instructions/>.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

Julie Waddell
Division Chief
Political Reform Division

Exhibit A-13

2724 Gateway Drive
Riverside, CA 92507-0918



(951) 486-7200 • FAX (951) 486-7272
TTY (951) 697-8966
www.voteinfo.net

**REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE**

July 2, 2015

Yarbrough For Val Verde School Board 2014
[REDACTED]

Dear Shelly Yarbrough:

SUBJECT: CAMPAIGN DISCLOSURE

This is a reminder that your Semi-Annual Campaign Disclosure Statement is due by July 31, 2015. This statement covers transactions through June 30, 2015.

You may choose to terminate the committee if there are no surplus funds, no outstanding loans or unpaid bills (or there is inability to discharge any debt). If you choose to terminate your committee with the July 31, 2015 semi-annual filing, you must also submit a Form 410.

To access the system, open the web page at www.voteinfo.net, click the Helpful Links option, and select the Electronic Campaign Disclosure link. Then click the Filer Access Portal, and this will take you to the login screen. If you are filing electronically for the first time, you will need to follow the instructions below.

The individual who will be entering transactions into your committee's account and e-filing statements needs to create a NetFile User by clicking the "Create a New NetFile User" link. This opens the Create a New NetFile User page. Follow the on-screen instructions. There is a short video that explains this entire process located in the How-To Videos section on the log-in page.

Once the individual has created their NetFile User, they must then link their NetFile User Account to the committee account. Log in and then click the "Link Local Campaign Filer Account" link. Enter the Committee Name as found on your FPPC Form 410. Select the Committee Type and then enter the Filer ID: CTRIV-152360 and Filer Password: 6XEPMNKJ.

For full instructions on creating a NetFile User and linking to the committee, see the document on the NetFile User Log-In page "How to Create a NetFile User and Link a Campaign Filer Account." If you have any questions, consult the user's guide available in the Help & Support menu or view the page help by clicking the "Open Page Help" button available on every page in the system after your successful login.

IMPORTANT NOTE: Except for deadlines that fall on a Saturday, Sunday, or an official holiday, there is no provision in the law for extending a filing deadline. Late statements are subject to a \$10 per day late fine. Statements must be e-filed, hand delivered or postmarked as first-class mail by the due date.

If you require further information, please contact the Fair Political Practices Commission at (916) 322-5660, or the Registrar of Voters office at (951) 486-7212.

Sincerely,

LETICIA FLORES
Elections Coordinator

2724 Gateway Drive
Riverside, CA 92507-0918



(951) 486-7200 • FAX (951) 486-7272
TTY (951) 697-8966
www.voteinfo.net

**REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE**

December 16, 2015

Yarbrough For Val Verde School Board 2014

[REDACTED]

Dear Shelly Yarbrough:

SUBJECT: CAMPAIGN DISCLOSURE

This is a reminder that your Semi-Annual Campaign Disclosure Statement is due by February 1, 2016. This statement covers transactions through December 31, 2015.

You may choose to terminate the committee if there are no surplus funds, no outstanding loans or unpaid bills (or there is inability to discharge any debt). If you choose to terminate your committee with the February 1, 2016 semi-annual filing, you must also submit a Form 410.

To access the system, open the web page at www.voteinfo.net, click the Helpful Links option, and select the Electronic Campaign Disclosure link. Then click the Filer Access Portal, and this will take you to the login screen. If you are filing electronically for the first time, you will need to follow the instructions below.

The individual who will be entering transactions into your committee's account and e-filing statements needs to create a NetFile User by clicking the "Create a New NetFile User" link. This opens the Create a New NetFile User page. Follow the on-screen instructions. There is a short video that explains this entire process located in the How-To Videos section on the log-in page.

Once the individual has created their NetFile User, they must then link their NetFile User Account to the committee account. Log in and then click the "Link Local Campaign Filer Account" link. Enter the Committee Name as found on your FPPC Form 410. Select the Committee Type and then enter the Filer ID: CTRIV-152360 and Filer Password: 6XEPMNKJ.

For full instructions on creating a NetFile User and linking to the committee, see the document on the NetFile User Log-In page "How to Create a NetFile User and Link a Campaign Filer Account." If you have any questions, consult the user's guide available in the Help & Support menu or view the page help by clicking the "Open Page Help" button available on every page in the system after your successful login.

IMPORTANT NOTE: Except for deadlines that fall on a Saturday, Sunday, or an official holiday, there is no provision in the law for extending a filing deadline. Late statements are subject to a \$10 per day late fine. Statements must be e-filed, hand delivered or postmarked as first-class mail by the due date.

If you require further information, please contact the Fair Political Practices Commission at (916) 322-5660, or the Registrar of Voters office at (951) 486-7212.

Sincerely,

LETICIA FLORES
Elections Coordinator

2724 Gateway Drive
Riverside, CA 92507-0918



(951) 486-7200 • FAX (951) 486-7272
TTY (951) 697-8966
www.voteinfo.net

**REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE**

June 16, 2016

Yarbrough For Val Verde School Board 2014
[REDACTED]

Dear Shelly Yarbrough:

SUBJECT: CAMPAIGN DISCLOSURE FILING DEADLINE REMINDER

This is a reminder that your Semi-Annual Campaign Disclosure Statement is due by August 1, 2016. This statement covers transactions through June 30, 2016.

All County-wide committees must electronically file their statement. If you are not County-wide (e.g., School Board Committee) you have the option to use the paperless filing system. The primary benefit to you is you no longer need to turn in wet signed campaign statements to the County. When you electronically file, it is a paperless process and doesn't require a wet signed document!

To access the system, open the web page at www.voteinfo.net, click the Helpful Links option, and select the Electronic Campaign Disclosure link. Click the Filer Access Portal, which takes you to the login screen. If you are filing electronically for the first time, you have the option to receive free telephone training on this system by NetFile. Go to this link and fill out the onscreen form: <https://netfile.com/Content/CampaignTraining>. Please note, training is not available within 2 weeks of any major filing deadline. If you prefer not to have the training, see below to get started.

The individual who will be entering transactions into your committee's account and e-filing statements needs to create a NetFile User by clicking the "Create a New NetFile User" link. This opens the Create a New NetFile User page. Follow the on-screen instructions. There is a short video that explains this entire process located in the How-To Videos section on the log-in page. Once you have created your NetFile User, you must link your User Account to the committee account. Log in and then click the "Link Local Campaign Filer Account" link. Enter the Committee Name as found on your FPPC Form 410. Select the Committee Type and then enter the Filer ID: CTRIV-152360 and Filer Password: 6XEPMNKJ.

For full instructions on creating a NetFile User and linking to the committee, see the document on the NetFile User Log-In page "How to Create a NetFile User and Link a Campaign Filer Account." If you have any questions, consult the user's guide available in the Help & Support menu or view the page help by clicking the "Open Page Help" button available on every page in the system after your successful login.

IMPORTANT NOTE: Except for deadlines that fall on a Saturday, Sunday, or an official holiday, there is no provision in the law for extending a filing deadline. Late statements are subject to a \$10 per day late fine. Statements must be e-filed, hand delivered or postmarked as first-class mail by the due date.

Terminating your committee? You can terminate the committee if there are no surplus funds, no outstanding loans or unpaid bills (or there is inability to discharge any debt). If you terminate with this filing you have to also submit a Form 410.

For further help, please contact the FPPC at (916) 322-5660, or the ROVs office at (951) 486-7212.

Sincerely,

LETICIA FLORES
Elections Coordinator

2724 Gateway Drive
Riverside, CA 92507-0918



(951) 486-7200 • FAX (951) 486-7272
TTY (951) 697-8966
www.voteinfo.net

**REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE**

November 29, 2016

Yarbrough For Val Verde School Board 2014

Dear Shelly Yarbrough:

SUBJECT: CAMPAIGN DISCLOSURE FILING DEADLINE REMINDER

This is a reminder that your Semi-Annual Campaign Disclosure Statement is due by January 31, 2017. This statement covers transactions through December 31, 2016.

All County-wide committees must electronically file their statement. If you are not County-wide (e.g., School Board Committee) you have the option to use the paperless filing system. The primary benefit to you is you no longer need to turn in wet signed campaign statements to the County. When you electronically file, it is a paperless process and doesn't require a wet signed document!

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**REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE**

June 8, 2017

Yarbrough For Val Verde School Board 2014
[REDACTED]

Dear Shelly Yarbrough:

SUBJECT: CAMPAIGN DISCLOSURE FILING DEADLINE REMINDER

This is a reminder that your Semi-Annual Campaign Disclosure Statement is due by July 31, 2017. This statement covers transactions through June 30, 2017.

All County-wide committees must electronically file their statement. If you are not County-wide (e.g., School Board Committee) you have the option to use the paperless filing system. The primary benefit to you is you no longer need to turn in wet signed campaign statements to the County. When you electronically file, it is a paperless process and doesn't require a wet signed document!

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**REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE**

December 28, 2017

Yarbrough For Val Verde School Board 2014
[REDACTED]

Dear Shelly Yarbrough:

SUBJECT: CAMPAIGN DISCLOSURE FILING DEADLINE REMINDER

This is a reminder that your Semi-Annual Campaign Disclosure Statement is due by January 31, 2018. This statement covers transactions through December 31, 2017.

All County-wide committees must electronically file their statement. If you are not County-wide (e.g., School Board Committee) you have the option to use the paperless filing system. The primary benefit to you is you no longer need to turn in wet signed campaign statements to the County. When you electronically file, it is a paperless process and doesn't require a wet signed document!

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Sincerely,

LETICIA FLORES
Elections Coordinator

Exhibit A-14

In the Matter of Fair Political Practices Commission, Case No. 2016-15725

Declaration

I, Paul Rasey, declare as follows:

1. I am a Special Investigator employed by the Fair Political Practices Commission of the State of California.
2. On 5/14/2020, I located and downloaded all available filing documents, regarding the committees controlled by Shelly Yarbrough, from the County of Riverside, Registrar of Voters website public portal at: <https://public.netfile.com/pub2/?aid=CTRIV>.

These nine (9) documents, were as follows:

- a. Yarbrough 4 Assembly 2014, Form 410, Filed 3/6/2014
 - b. Yarbrough 4 Assembly 2014, Form 410, Amended 3/31/2014
 - c. Yarbrough 4 Assembly 2014, Form 410, Amended 4/1/2014
 - d. Yarbrough 4 Assembly 2014, Form 410, Amended 5/27/2014
 - e. Candidate Intention Statement, Form 501, Filed 8/14/2014, Darlene R. “Shelly” Yarbrough, Val Verde USD trustee
 - f. Yarbrough for Val Verde School Board, Form 410 initial Statement of Organization, Filed 9/18/2014.
 - g. Yarbrough for Val Verde School Board, Form 497 Contribution Report, Filed 10/29/2014
 - h. Yarbrough for Val Verde School Board, Form 410, Amendment Statement of Organization, filed 10/31/2014 (Riverside County)
 - i. Yarbrough for Val Verde School Board, Form 410, Amendment Statement of Organization, filed 11/3/2014 (CA Secretary of State)
3. On 5/20/2020, I confirmed with County of Riverside, Registrar of Voters, Election Coordinator, Leticia Florez, via email that, “Our office has no additional filings for her, additionally we have sent late

notifications and she has not responded.”

4. On 6/8/2020, I confirmed with County of Riverside, Registrar of Voters, Election Coordinator, Leticia Florez, via email, that I was provided all warning letters and available correspondence sent to Shelly Yarbrough by the County of Riverside, Registrar of Voters. Those letters are as follows:
 - a. Yarbrough For Val Verde School District 2014, Subject: Campaign Disclosure Filing Deadline Reminder – 12/12/2014;
 - b. Yarbrough For Val Verde School District 2014, Subject: Campaign Disclosure Filing Deadline Reminder – 7/2/2015;
 - c. Yarbrough For Val Verde School District 2014, Subject: Campaign Disclosure Filing Deadline Reminder – 6/16/2016;
 - d. Yarbrough For Val Verde School District 2014, Subject: Campaign Disclosure Filing Deadline Reminder – 6/17/2016;
 - e. Yarbrough For Val Verde School District 2014, Subject: Campaign Disclosure Filing Deadline Reminder – 11/29/2016;
 - f. Yarbrough For Val Verde School District 2014, Subject: Campaign Disclosure Filing Deadline Reminder – 6/8/2017
 - g. Yarbrough For Val Verde School District 2014, Subject: Campaign Disclosure Filing Deadline Reminder – 12/28/2017

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

Date: 10/15/2020



(SIGNATURE)

Exhibit A-15



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3000 • Sacramento, CA 95811

December 8, 2020

D. Shelly Yarbrough
Yarbrough for Val Verde School Board 2014

NOTICE OF DEFAULT DECISION AND ORDER

**Re: FPPC No. 16/117, In the Matter of Yarbrough for Val Verde School Board 2014
and D. Shelly Yarbrough**

Dear Ms. Yarbrough:

On June 24, 2020, you were personally served with an accusation in the above referenced matter. Pursuant to the Administrative Procedure Act, you were required to file a notice of defense within 15 days after service of the accusation to request an administrative hearing. You did not file a notice of defense. **As a result, you have waived your right to an administrative hearing.**¹

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 21, 2021. 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 18, 2021 and impose an administrative penalty of \$21,800 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 (916) 322-5772 or mhamilton@fppc.ca.gov if you wish to enter into a settlement to resolve this matter in its entirety.

Sincerely,

Michael W. Hamilton

Michael W. Hamilton
Commission Counsel
Enforcement Division

¹ Government Code Section 11505.

Exhibit A-16



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3000 • Sacramento, CA 95811

January 26, 2021

D. Shelly Yarbrough
Yarbrough for Val Verde School Board 2014



NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

**Re: FPPC No. 16/117, In the Matter of Yarbrough for Val Verde School Board 2014
and D. Shelly Yarbrough**

Dear Ms. Yarbrough:

On June 24, 2020, you were personally served with an accusation in the above referenced matter. Pursuant to the Administrative Procedure Act, you were required to file a notice of defense within 15 days after service of the accusation to request an administrative hearing. You did not file a notice of defense. **As a result, you have waived your right to an administrative hearing.**¹

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 21, 2021. The Commission will be asked to adopt the default at its public meeting scheduled for February 18, 2021 and impose an administrative penalty of \$21,800 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on February 18, 2021 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.

¹ 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 18, 2021 meeting. Please contact me at (916) 322-5772 or mhamilton@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,

Michael W. Hamilton

Michael W. Hamilton
Commission Counsel
Enforcement Division

Enclosures