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7
8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

9
10 **STATE OF CALIFORNIA**

11 In the Matter of

12
13 RECALL PAN and KATHERINE DURAN,

14
15 Respondents.

) FPPC No.: 2017/00925

)
) DEFAULT DECISION AND ORDER

) (Gov. Code §§ 11506 and 11520)

16
17 Complainant, the Enforcement Division of the Fair Political Practices Commission, hereby
18 submits this Default Decision and Order for consideration by the Fair Political Practices Commission at
19 its next regularly scheduled meeting.

20 Pursuant to the California Administrative Procedure Act,¹ Recall Pan (“Committee”) and
21 Katherine Duran (“Duran”) have been served with all of the documents necessary to conduct an
22 administrative hearing regarding the above-captioned matter, including the following:

- 23 1. An Order Finding Probable Cause;
24 2. An Accusation;
25 3. A Notice of Defense (Two Copies per Respondent);
26 4. A Statement to Respondent; and,
27

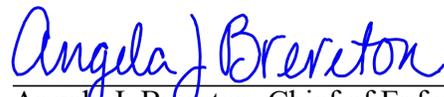
28 ¹ The California Administrative Procedure Act, which governs administrative adjudications, is contained in sections 11370 through 11529 of the Government Code.

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

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

11 The Committee and Duran violated the Political Reform Act as described in Exhibit 1, which is
12 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: 1/19/2021



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

ORDER

The Commission issues this Default Decision and Order and imposes an administrative penalty of \$9,000 upon the Committee, Recall Pan, and Katherine Duran, payable to the “General Fund of the State of California.”

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

Dated: _____

Richard C. Miadich, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Recall Pan (“Committee”) was a primarily formed recipient committee formed to support the recall of Richard Pan, State Senator for the 6th District. Katherine Duran (“Duran”) served as the Committee’s treasurer and principal officer.

This matter arose out of a sworn complaint sent to the Fair Political Practices Commission’s (the “Commission”) Enforcement Division. The complaint alleged that the committee failed to disclose the address, occupation and/or employer information for contributors of \$100 or more and failed to file semi-annual campaign statements to fully disclose campaign activity through the date of termination, in violation of the Political Reform Act (the “Act.”)¹

The Committee and Duran had a duty to disclose contributor information on campaign statements and to file semi-annual campaign statements. By failing to disclose contributor information and failing to file two semi-annual campaign statements, the Committee and Duran violated the Act.

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 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,

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.

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 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-18, 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 Duran in this matter by serving Duran on October 31, 2019 with a Report in Support of a Finding of Probable Cause (the "Report") by certified mail, return receipt requested.¹² (Certification, Exhibit A-1 through A-3.) The administrative action

⁵ Section 11506, subdivision. (a)(1)-(6).

⁶ Section 11506, subdivision. (c).

⁷ Section 11520, subdivision. (a).

⁸ Section 91000.5, subdivision. (a).

⁹ Section 83115.5.

¹⁰ Section 83115.5.

¹¹ Section 91000.5.

¹² Section 83115.5.

commenced on November 13, 2019, the date the certified mail receipt was delivered to the Respondent (Certification, Exhibit A-2), 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 Duran contained a cover letter and a memorandum describing probable cause proceedings, advising that the Committee and Duran 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 Duran neither requested a probable cause conference nor submitted a written response to the Report.

B. Ex Parte Request for a Finding of Probable Cause

Because the Committee and Duran 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 December 9, 2019. (Certification, Exhibit A-4.)

On December 10, 2019, Hearing Officer Jack Woodside, Senior Commission Counsel, Legal Division, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Duran. (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 or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief.

¹³ Regulation 18361.4, subdivision. (e).

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 July 27, 2020, the Commission's Chief of Enforcement, Galena West, issued an Accusation against the Committee and Duran in this matter. (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, copies of Government Code Sections 11506, 11507.5, 11507.6 and 11507.7 were served on the Committee and Duran on August 27, 2020. (Certification, Exhibit A-8.)

Along with the Accusation, the Enforcement Division served the Committee and Duran with a "Statement to Respondent," which notified him that she 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, she would be deemed to have waived the right to a hearing. (Certification, Exhibit A-7.) Duran did not file a Notice of Defense within the statutory time period, which ended on September 11, 2020.

As a result, on November 30, 2020, the Enforcement Division sent a letter to the Committee and Duran 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-17.)

On January 26, 2021, the Enforcement Division sent another letter to the Committee and Duran 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-18.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

¹⁴ Section 11505, subdivision. (a).

¹⁵ Section 11505, subdivision. (b).

¹⁶ Section 11505, subdivision. (c).

SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. The violations in this case occurred in 2015 and 2016. For this reason, all legal references and discussions of law pertain to the Act's provisions as they existed at that time.

When enacting the Political Reforms Act, the people of California found and declared that previous laws regulating political practices suffered from inadequate enforcement by state and local authorities.¹⁷ To that end, the Act is to be construed liberally to accomplish its purposes.¹⁸

An express purpose of the Act is to promote transparency by ensuring the receipts and expenditures in election campaigns are fully and truthfully disclosed so that voters are fully informed and improper practices are inhibited.¹⁹ Along these lines, the Act includes a comprehensive campaign reporting system.²⁰

Committees Primarily Formed to Support a Recall

In 2015, a person or group of persons who raises or spends \$1,000 or more to support an effort to recall an elected official qualifies as a committee subject to the provisions of the Act when the target officer is served with a notice of intent to recall pursuant to Elections Code Section 11021.²¹

Once the notice of intent to recall is given, the committee must report on its first campaign statement all contributions received and expenditures made for the purpose of influencing the electorate to sign a recall petition, regardless of when the contributions were received or expenditures were made.²²

Duty to Disclose Contributor and Expenditure Information on Campaign Statements

The Act requires committees to report on campaign statements the following information about a person who makes, in the aggregate, contributions of \$100 or more: (1) full name; (2) street address; (3) occupation; (4) employer, or if self-employed, the name of the contributor's business; (5) the date and amount of each contribution received from the contributor during the reporting period; and (6) the cumulative amount of contributions received from the contributor.²³

¹⁷ Section 81001, subd. (h).

¹⁸ Section 81003.

¹⁹ Section 81002, subd. (a).

²⁰ Section 84200, *et seq.*

²¹ Section 82013 and Regulation 18531.5, subdivision (c)(3).

²² *Id.*

²³ Section 84211, subdivision (f).

Duty to File Semi-Annual Campaign Statements

A committee must file two semi-annual campaign statements each year no later than July 31 for the reporting period ending on June 30, and no later than January 31 of the following year for the reporting period ending December 31.²⁴

When a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.²⁵

Liability

Every committee must have a treasurer.²⁶ It is the duty of the treasurer to ensure the committee complies with the requirements of the Act concerning the receipt and expenditure of funds and the reporting of such funds.²⁷ A committee's treasurer may be held jointly and severally liable for any reporting violations.²⁸ When the Commission determines a violation has occurred, the Commission may issue an order that the Respondent pay up to \$5,000 per violation.²⁹ Any person who has a filing or reporting obligation and who violates the Act shall be liable.³⁰

SUMMARY OF THE EVIDENCE

On June 3, 2015, the Committee filed a statement of organization with the Secretary of State, indicating that it did not yet qualify and that it was a primarily formed committee to recall Richard Pan, Senator for the California 6th District. (Certification, Exhibit A-9.) The Committee named Duran as both principal officer and treasurer. On July 3, 2015, the Committee filed an amended statement of organization and indicated that it qualified as a recipient committee on June 4, 2015. (Certification, Exhibit A-10.)

According to records obtained from the Secretary of State, a Notice of Intention to Circulate Recall Petition was served to Senator Richard Pan by Katherine Duran and 49 others on or around June 1, 2015. (Certification, Exhibit A-11.)

As the subject of the recall had been served a copy of the Intent to Recall on or by June 1, 2015 and the Committee received consideration for an accrued expense on or by June 6, 2015, the Committee qualified as a committee on or by June 6, 2015. Specifically, on June 6, 2015, the Committee received the benefit of a publication costing approximately \$1,595 made in the Sacramento Bee to give notice of the intent to recall Senator Pan. (Certification, Exhibit A-12 and A-13.)

²⁴ Section 84200, subdivision (a).

²⁵ Regulation 18116.

²⁶ Section 84100.

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

²⁸ Sections 83116.5 and 91006.

²⁹ Section 83116.

³⁰ Section 83116.5.

On August 3, 2015, the Committee filed a semi-annual campaign statement for the reporting period of January 1, 2015 through June 30, 2015 and reported \$3,420 in contributions received, \$2,337.05 in expenditures made, and an ending cash balance of \$2,678. (Certification, Exhibit A-13).

The Committee and Duran were required to disclose complete contributor information, including address and occupation and/or employment, for contributors of \$100 or more on its semi-annual campaign statement but failed to do so. The semi-annual campaign statement for the reporting period of January 1, 2015 through June 30, 2015 was missing the occupation and employer information for each of the twelve contributors, who individually contributed \$100 or more to the Committee. The value of the twelve contributions totaled \$1,700, which is approximately 50% of the total contributions the Committee received during this reporting period. The semi-annual campaign statement for the reporting period of January 1, 2015 through June 30, 2015 was also missing three contributors' addresses. (Certification, Exhibit A-13.)

The recall effort did not qualify for the ballot after failing to submit signatures to county election officials by the deadline of December 31, 2015. (Certification, Exhibit A-14.)

The Committee and Duran were required to file a semi-annual campaign statement for the reporting period of July 1, 2015 through December 31, 2015 by the deadline of February 1, 2016 but failed to do so.

On February 17, 2016, the Committee filed a termination statement of organization and indicated that the Committee had terminated as of January 14, 2016. (Certification, Exhibit A-15.) The Committee and Duran were required to file a semi-annual campaign statement to report any activity from January 1, 2016 through the date of termination. The Committee failed to file any campaign statement to report activity after June 30, 2015.

According to bank records obtained by the Enforcement Division, the Committee's failure to file campaign statements resulted in an estimated \$7,763 in expenditures and an estimated \$6,680 in contributions to be undisclosed. These records show that the Committee had activity and funds on account at least until May of 2016, after the purported date of termination, when the bank account was closed by the financial institution. (Certification, Exhibit A-16.)

Summary of Contact

Overall, Duran was contacted at least 13 times by the Enforcement Division regarding her duty to file campaign statements. To date, Duran has not filed outstanding campaign statements.

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The contacts are as follows:

- September 7, 2017, Email
- January 10, 2019, Email and letter
- June 12, 2019, Email
- September 9, 2019, Email
- November 13, 2019, Report in Supporting of a Finding of Probable Cause, served via Certified Mail
- December 9, 2019, Copy of Ex Parte Request served via USPS
- December 11, 2019, Finding of Probable Cause and Order to Prepare and Serve an Accusation, served via USPS
- December 17, 2019 Email and call attempt
- December 24, 2024, voicemail message left by Duran for Enforcement staff
- January 3, 2020, Email and call attempt
- January 9, 2020, Email
- January 30, 2020, call received from Duran, followed up with an email to Duran with additional information
- February 24, 2020, email to Duran
- February 28, 2020, email from Duran
- March 26, 2020, email to Duran
- August 27, 2020, Accusation, served via personal service
- September 14, 2020, email to Duran
- November 30, 2020, Letter regarding Pre-Notice of Default, served via USPS
- January 26, 2021, Letter regarding Notice of Intent to Enter Default, served via USPS

VIOLATIONS

The Committee and Duran committed three violations of the Act, as follows:

COUNT 1

Failure to Disclose Accurate Contributor Information on a Campaign Statement

The Committee and Duran had a duty to disclose the addresses, occupation and/or employer information for contributors of \$100 or more on campaign statements. By failing to disclose the addresses, occupation and/or employer information of contributors of \$100 or more on the semi-annual campaign statement for the reporting period of January 1, 2015 through June 30, 2015, the Committee and Duran violated Government Code Section 84211, subdivision (f).

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COUNT 2

Failure to Timely File a Semi-Annual Campaign Statement

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

COUNT 3

Failure to Timely File a Semi-Annual Campaign Statement

The Committee and Duran had a duty to timely file a semi-annual campaign statement for the reporting period of January 1, 2016 through January 14, 2016 by the deadline of July 31, 2016. By failing to timely file this campaign statement, the Committee and Duran violated Government Code Section 84200.

CONCLUSION

This matter consists of three counts of violating the Act, which carries a maximum administrative penalty of \$15,000.³¹

In determining the appropriate penalty for a particular violation of the Act, the Commission considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective amendments voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior record of violations.³² Here, failure to file campaign statements and to fully report contributor information has deprived the public of transparency behind an effort to recall a sitting State Senator. The public harm is mitigated by the fact that the petition failed, and the Committee has terminated. There is evidence that the failure to disclose was the result of negligence, as opposed to deliberate or with an intent to conceal.

The Enforcement Division also takes into consideration previous cases that were approved by the Commission in determining penalties. In this matter, the following case was used as a guideline:

³¹ Section 83116, subdivision (c).

³² Regulation 18361.5, subdivision (d).

- *In the Matter of Eric Payne and Eric Payne For SCCCD 2016 Trustee Area 2*, FPPC Case No. 2016-19917. In this matter, the Commission found that the Payne and the committee, Eric Payne for SCCCD 2016 Trustee Area 2 was liable for 21 counts. Of those, Payne and the Committee were found to have violated the duty to file semi-annual campaign statements and failed to accurately report all contributions and expenditures (84211, subdivisions (a), (b), (c), (d), (f), (i), (j), and (k).) The Commission imposed a penalty of \$3,000 for each count of failing to file semi-annual campaign statements and \$1,000 for inaccurate disclosure on campaign statements for a total penalty to Payne and the Committee of \$29,000.

Here there are three counts. Similar to *Payne*, the Committee and Duran have failed to file the semi-annual campaign statements and failed to accurately report campaign activity on the semi-annual campaign statement. Unlike *Payne*, the Committee and Duran have failed to amend a filed campaign statement to disclose the initially unreported information, namely the address, occupation and/or employer of contributors who gave \$100 or more. Therefore, it is recommended that the Commission impose a penalty of \$3,000 for each count.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$3,000 per count, for a total penalty of \$9,000, is recommended.



**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. 17/00925; Recall Pan and Katherine Duran* 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 September 27, 2019

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated October 31, 2019, and Return Receipt for certified mail delivered to Respondent on November 13, 2019

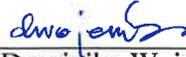
EXHIBIT A-3: Cover letter to the Respondent regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated October 31, 2019

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated December 9, 2019

EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated December 10, 2019, and Proof of Service, dated December 11, 2019

- EXHIBIT A-6: Accusation, dated July 27, 2020
- EXHIBIT A-7: Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated July 27, 2020
- EXHIBIT A-8: Proof of Service for Accusation and accompanying documents from process server, dated August 28, 2020 showing that on August 27, 2020, Duran was personally served.
- EXHIBIT A-9: Form 410, Statement of Organization, Received and Filed in the Office of the Secretary of State of the State of California on June 3, 2015, signed and dated by Katherine Duran on June 3, 2015.
- EXHIBIT A-10: Form 410, Statement of Organization, Received and Filed in the Office of the Secretary of State of the State of California, on July 3, 2015, signed and dated by Katherine Duran on June 30, 2015.
- EXHIBIT A-11: Notice of Intention to Circulate Recall Petition, to the Honorable Senator Richard Pan
- EXHIBIT A-12: The Sacramento Bee, Declaration of Publication, certifying that the Notice of Intention to Circulate Recall Petition was published on June 6, 2015, signed and dated June 8, 2015 by Nia Diaz.
- EXHIBIT A-13: Form 460, Recipient Committee Campaign Statement, Recall Pan, for the reporting period of January 1, 2015 through June 30, 2015, signed and dated by Katherine Duran on July 31, 2015.
- EXHIBIT A-14: Notice of Failed Petition, from the Office of the Secretary of State of the State of California, signed and dated January 4, 2016 by Robbie Anderson, Elections Counsel.
- EXHIBIT A-15: Form 410, Statement of Organization, Received and Filed in the Office of the Secretary of State of the State of California on February 17, 2016, signed and dated by Katherine Duran on February 17, 2016.
- EXHIBIT A-16: Declaration of Roone Petersen, Special Investigator, Enforcement Division, Fair Political Practices Commission, dated January 4, 2021
- EXHIBIT A-17: First Notice of Default Decision and Order, dated November 30, 2020
- EXHIBIT A-18: Notice of Intent to Enter into 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
2 Chief of Enforcement
3 THERESA GILBERTSON
4 Commission Counsel
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12 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
13 **STATE OF CALIFORNIA**

14 In the Matter of

15 RECALL PAN AND KATHERINE
16 DURAN,

17 Respondents.

) FPPC No. 17/00925

) **REPORT IN SUPPORT OF A FINDING OF
18 PROBABLE CAUSE**

) Conference Date: TBA

) Conference Time: TBA

) Conference Location: Commission Offices
1102 Q Street, Suite 3000
Sacramento, CA 95811

19
20 **INTRODUCTION**

21 Respondent Recall Pan (“Committee”) was formed to support the recall of Richard Pan (“Pan”),
22 the State Senator for the 6th District. The effort to recall Pan was unsuccessful. Respondent Katherine
23 Duran (“Duran”) served as the Committee’s treasurer and principal officer. This matter arose from a sworn
24 complaint made against the Committee. Respondents violated the Political Reform Act (the “Act”)¹ by
25 failing to timely file semi-annual campaign statements and failing to disclose contributors’ information.

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28 ¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to this source.

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SUMMARY OF THE LAW

All legal references and discussions of law pertain to the Act’s provisions as they existed in 2015.

Jurisdiction

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

Probable Cause Proceedings

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

Standard for Finding Probable Cause

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

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

When enacting the Political Reform Act, the people of the state of California found and declared previous laws regulating political practices suffered from inadequate enforcement by state and local authorities.⁷ To that end, the Act must be liberally construed to achieve its purposes.⁸ A central purpose is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”⁹

Committees Primarily Formed to Support a Recall

A person or group of persons who raises or spends \$2,000 or more to support an effort to recall an elected official qualifies as a committee subject to the provisions of the Act when the target officer is served

2 Section 83116.

3 Section 83115.5 and Regulations 18361 and 18361.4.

4 Section 11500, et seq.

5 Section 83116 and Regulation 18361.4, subdivision. (e).

6 Section 18361.4, subdivision. (e).

7 Section 81001, subdivision. (h).

8 Section 81003.

9 Section 81002, subdivision. (f).

1 with a notice of intent to recall pursuant to Elections Code section 11021.¹⁰ Once the notice of intent to
2 recall is given, the committee must report on its first campaign statement all contributions received and
3 expenditures made for the purpose of influencing the electorate to sign a recall petition, regardless of when
4 the contributions were received or expenditures were made.¹¹

5 Semi-annual Campaign Statements

6 A committee must file two semi-annual campaign statements each year no later than July 31 for
7 the period ending June 30 and no later than January 31 for the period ending December 31.¹² These semi-
8 annual campaign statements must disclose any expenditures or contributions that a committee makes or
9 receives that total more than \$2,000 in a calendar year.¹³ Whenever the deadline falls on a Saturday,
10 Sunday, or official state holiday, the filing deadline for a statement shall be extended to the next regular
11 business day.¹⁴

12 Duty to Disclose Contributor and Expenditure Information on Campaign Statements

13 The Act requires committees to report on campaign statements the following information about a
14 person who makes, in the aggregate, contributions of \$100 or more: (1) full name; (2) street address; (3)
15 occupation; (4) employer, or if self-employed, the name of the contributor's business; (5) the date and
16 amount of each contribution received from the contributor during the reporting period; and (6) the
17 cumulative amount of contributions received from the contributor.¹⁵

18 The Act also requires committees to report on campaign statements the following information about
19 its expenditures, including those expenditures which are contributions to candidates or committees: (1) the
20 payee's full name; (2) his or her street address; (3) the amount of each expenditure; (4) a brief description
21 of the consideration for which each expenditure was made; and (5) in the case of an expenditure which is
22 a contribution to a candidate, elected officer, or committee, the date of the contribution, the cumulative
23 amount of contributions made to that recipient, the full name of the recipient, and the office and district or
24 jurisdiction for which he or she seeks nomination or election.¹⁶

25
26 ¹⁰ Regulation 18531.5, subdivision (c)(3).

27 ¹¹ *Id.*

28 ¹² Section 84200, subdivision. (a).

¹³ Section 84206.

¹⁴ Regulation 18116, subdivision. (a).

¹⁵ Section 84211, subdivision (f).

¹⁶ Section 84211, subdivision (k).

1 Joint and Several Liability of Committee and Treasurer

2 Every committee must have a treasurer.¹⁷ It is the duty of the treasurer to ensure the committee
3 complies with the requirements of the Act concerning the receipt and expenditure of funds and the
4 reporting of such funds.¹⁸ A committee's treasurer may be held jointly and severally liable for any
5 reporting violations.¹⁹

6 **SUMMARY OF THE FACTS**

7 The Committee reported on a statement of organization that it qualified on June 4, 2015. According
8 to the Secretary of State, the effort to recall Pan was filed by Katherine Duran and 49 others on or around
9 June 5, 2015 and began to circulate the petition for signatures in order to qualify the recall for the ballot.
10 The Committee reported raising about \$3,420 and spending about \$2,337 between January 1, 2015 and
11 June 30, 2015. On the semi-annual statement, the Committee disclosed an ending cash balance of about
12 \$2,678. The recall effort did not qualify for the ballot after failing to submit signatures to county election
13 officials by the deadline of December 31, 2015. The Committee filed a statement of organization indicating
14 that the Committee had terminated on January 14, 2016, however, no additional campaign disclosure
15 statements were filed to disclose activity after July 1, 2015. The Committee was required to file a semi-
16 annual campaign statement for the reporting period of July 1, 2015 through December 31, 2015 but failed
17 to do so. The Committee was required to file a semi-annual campaign statement for the reporting period of
18 January 1, 2016 through the date of termination but failed to do so.

19 Contributor Information

20 The semi-annual campaign statement for the reporting period of January 1, 2015 through June 30,
21 2015 was filed without required contributor information. The statement was missing the occupation and
22 employer information for each of the twelve (12) itemized contributors, who individually contributed \$100
23 or more to the Committee. The value of the twelve contributions totaled \$1,700, which is approximately
24 50% of the total contributions the Committee received during this reporting period. This statement was
25 also missing three contributors' addresses.

26 //

27 _____
28 ¹⁷ Section 84100.

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

¹⁹ Sections 83116.5 and 91006.

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VIOLATIONS

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

The Committee and Duran failed to timely file one semi-annual statement for the period of July 1, 2015 through December 31, 2015 in violation of Section 84200.

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

The Committee and Duran failed to timely file one semi-annual statement for the period of January 1, 2016 through the date of termination in violation of Section 84200.

Count 3: Failure to Disclose Accurate Contributor Information on a Campaign Statement

The Committee and Duran failed to disclose contributors' address, occupation, and/or employer information on the semi-annual campaign statement for the period of January 1, 2015 through June 30, 2015, in violation of Section 84211, subdivision (f).

EXCULPATORY OR MITIGATING INFORMATION

The recall effort did not qualify for the ballot. The Committee and the treasurer do not have a record of prior history of violating the Act.

OTHER RELEVANT MATERIAL

The original complaint contained an undated screenshot of a comment Duran made on Facebook. In this screenshot, Duran states that she was solely responsible for maintaining and reporting the Committee's contributions and expenditures. She writes that over a period of five months, the Committee accrued less than \$8,000 in expenditures and that the Committee had a remaining surplus of \$1,700. However, no statements were filed to disclose the spending activity, who the additional funds were raised from, or to indicate how the surplus funds were handled on the termination statement.

//

1 **CONCLUSION**

2 Probable cause exists to believe that Recall Pan and Katherine Duran 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
7
8 Dated: Sept. 27, 2019
9

10 Respectfully Submitted,

11 **FAIR POLITICAL PRACTICES COMMISSION**
12 Galena West
13 Enforcement Chief

14 

15 By: Theresa Gilbertson
16 Commission Counsel
17 Enforcement Division
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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 10/31/19, I served the following document(s):

1. Letter dated 10/31/19, from Theresa Gilbertson;
2. FPPC No. 17/00925 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

Katherine Duran
20214 S Cedar Ln
Pine Grove, CA 95665

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 10/31/19



Theresa Gilbertson

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

KATHERINE DURAN
20214 S. CEDAR LN
PINE GROVE, CA 95065



9590 9402 4740 8344 7634 04

2. Article Number (Transfer from service label)

7018 2290 0001 9166 4329

COMPLETE THIS SECTION, ON DELIVERY

A. Signature

Matthew Goswami

- Agent
- Addressee

B. Received by (Printed Name)

MATTHEW GOSWAMI

C. Date of Delivery

11-13-19

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

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Exhibit A-3



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

October 31, 2019

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Katherine Duran
20214 S Cedar Ln
Pine Grove, CA 95665

In the Matter of Recall Pan and Katherine Duran, FPPC Case No. 17-00925

Dear Ms. Duran:

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”), as described in our previous attempts to contact you. 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. ***If you are interested in resolving this matter by means of a settlement, please contact me at (916) 323-6421 or tgilbertson@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,



Theresa Gilbertson
Commission Counsel

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 evidence.¹

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."²

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 Political Reform Act was violated. Anyone who wishes to discuss settlement with the Enforcement

¹ But see 2 CCR § 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.).

² 2 CCR § 18361.4, subd. (c).

Division may do so before or after the probable cause conference but not during the conference.

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.”³

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.

Settlements

Settlement discussions may take place at any time between a proposed respondent (or his or her counsel or representative) and the Enforcement Division except during the probable cause conference. The Hearing Officer will not participate in any settlement negotiations.

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.

³ 2 CCR §18361.4, subd. (e).

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
THERESA GILBERTSON
Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3000
Sacramento, CA 95811
Telephone: (916) 323-6421
Email: tgilbertson@fppc.ca.gov

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of) FPPC No. 17/00925
)
) EX PARTE REQUEST FOR A FINDING OF
) PROBABLE CAUSE AND AN ORDER THAT
RECALL PAN AND KATHERINE) AN ACCUSATION BE PREPARED AND
DURAN,) SERVED
)
Respondents.) Gov. Code § 83115.5
)

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 Katherine Duran ("Duran") and Recall Pan ("Committee") 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 served to Duran by means of certified mail, return receipt requested on November 13, 2019. A copy of the return receipt is attached as "Exhibit B."

In the cover letter, dated October 31, 2019, and the attached materials, Duran and the Committee were advised that they could respond in writing to the Report and orally present the case to the Hearing

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

8
9 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by the
10 Hearing Officer that probable cause exists to believe that the Respondent committed three violations of
11 the Act, stated as follows:

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

13 The Committee and Duran failed to timely file one semi-annual statement for the period of July 1,
14 2015 through December 31, 2015 in violation of Section 84200.

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

16 The Committee and Duran failed to timely file one semi-annual statement for the period of January
17 1, 2016 through the date of termination in violation of Section 84200.

18 Count 3: Failure to Disclose Accurate Contributor Information on a Campaign Statement

19 The Committee and Duran failed to disclose contributors' address, occupation, and/or employer
20 information on the semi-annual campaign statement for the period of January 1, 2015 through June 30,
21 2015, in violation of Section 84211, subdivision (f).

22
23
24 //

EXHIBIT A

1 GALENA WEST
2 Chief of Enforcement
3 THERESA GILBERTSON
4 Commission Counsel
5 **FAIR POLITICAL PRACTICES COMMISSION**
6 1102 Q Street, Suite 3000
7 Sacramento, CA 95811
8 Telephone: (916) 323-6421
9 Email: tgilbertson@fppc.ca.gov

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

12 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

13 **STATE OF CALIFORNIA**

14 In the Matter of

) FPPC No. 17/00925

15 RECALL PAN AND KATHERINE
16 DURAN,

) **REPORT IN SUPPORT OF A FINDING OF
17 PROBABLE CAUSE**

18 Respondents.

) Conference Date: TBA
) Conference Time: TBA
) Conference Location: Commission Offices
1102 Q Street, Suite 3000
Sacramento, CA 95811

19
20 **INTRODUCTION**

21 Respondent Recall Pan (“Committee”) was formed to support the recall of Richard Pan (“Pan”),
22 the State Senator for the 6th District. The effort to recall Pan was unsuccessful. Respondent Katherine
23 Duran (“Duran”) served as the Committee’s treasurer and principal officer. This matter arose from a sworn
24 complaint made against the Committee. Respondents violated the Political Reform Act (the “Act”)¹ by
25 failing to timely file semi-annual campaign statements and failing to disclose contributors’ information.

26 //

27
28 ¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to this source.

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SUMMARY OF THE LAW

All legal references and discussions of law pertain to the Act's provisions as they existed in 2015.

Jurisdiction

The Fair Political Practices Commission (the "Commission") has administrative jurisdiction to enforce the provisions of the Act.²

Probable Cause Proceedings

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

Standard for Finding Probable Cause

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

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

When enacting the Political Reform Act, the people of the state of California found and declared previous laws regulating political practices suffered from inadequate enforcement by state and local authorities.⁷ To that end, the Act must be liberally construed to achieve its purposes.⁸ A central purpose is to provide adequate enforcement mechanisms so that the Act will be "vigorously enforced."⁹

Committees Primarily Formed to Support a Recall

A person or group of persons who raises or spends \$2,000 or more to support an effort to recall an elected official qualifies as a committee subject to the provisions of the Act when the target officer is served

2 Section 83116.

3 Section 83115.5 and Regulations 18361 and 18361.4.

4 Section 11500, et seq.

5 Section 83116 and Regulation 18361.4, subdivision. (e).

6 Section 18361.4, subdivision. (e).

7 Section 81001, subdivision. (h).

8 Section 81003.

9 Section 81002, subdivision. (f).

1 with a notice of intent to recall pursuant to Elections Code section 11021.¹⁰ Once the notice of intent to
2 recall is given, the committee must report on its first campaign statement all contributions received and
3 expenditures made for the purpose of influencing the electorate to sign a recall petition, regardless of when
4 the contributions were received or expenditures were made.¹¹

5 Semi-annual Campaign Statements

6 A committee must file two semi-annual campaign statements each year no later than July 31 for
7 the period ending June 30 and no later than January 31 for the period ending December 31.¹² These semi-
8 annual campaign statements must disclose any expenditures or contributions that a committee makes or
9 receives that total more than \$2,000 in a calendar year.¹³ Whenever the deadline falls on a Saturday,
10 Sunday, or official state holiday, the filing deadline for a statement shall be extended to the next regular
11 business day.¹⁴

12 Duty to Disclose Contributor and Expenditure Information on Campaign Statements

13 The Act requires committees to report on campaign statements the following information about a
14 person who makes, in the aggregate, contributions of \$100 or more: (1) full name; (2) street address; (3)
15 occupation; (4) employer, or if self-employed, the name of the contributor's business; (5) the date and
16 amount of each contribution received from the contributor during the reporting period; and (6) the
17 cumulative amount of contributions received from the contributor.¹⁵

18 The Act also requires committees to report on campaign statements the following information about
19 its expenditures, including those expenditures which are contributions to candidates or committees: (1) the
20 payee's full name; (2) his or her street address; (3) the amount of each expenditure; (4) a brief description
21 of the consideration for which each expenditure was made; and (5) in the case of an expenditure which is
22 a contribution to a candidate, elected officer, or committee, the date of the contribution, the cumulative
23 amount of contributions made to that recipient, the full name of the recipient, and the office and district or
24 jurisdiction for which he or she seeks nomination or election.¹⁶

25
26 ¹⁰ Regulation 18531.5, subdivision (c)(3).

27 ¹¹ *Id.*

28 ¹² Section 84200, subdivision. (a).

¹³ Section 84206.

¹⁴ Regulation 18116, subdivision. (a).

¹⁵ Section 84211, subdivision (f).

¹⁶ Section 84211, subdivision (k).

1 Joint and Several Liability of Committee and Treasurer

2 Every committee must have a treasurer.¹⁷ It is the duty of the treasurer to ensure the committee
3 complies with the requirements of the Act concerning the receipt and expenditure of funds and the
4 reporting of such funds.¹⁸ A committee's treasurer may be held jointly and severally liable for any
5 reporting violations.¹⁹

6 **SUMMARY OF THE FACTS**

7 The Committee reported on a statement of organization that it qualified on June 4, 2015. According
8 to the Secretary of State, the effort to recall Pan was filed by Katherine Duran and 49 others on or around
9 June 5, 2015 and began to circulate the petition for signatures in order to qualify the recall for the ballot.
10 The Committee reported raising about \$3,420 and spending about \$2,337 between January 1, 2015 and
11 June 30, 2015. On the semi-annual statement, the Committee disclosed an ending cash balance of about
12 \$2,678. The recall effort did not qualify for the ballot after failing to submit signatures to county election
13 officials by the deadline of December 31, 2015. The Committee filed a statement of organization indicating
14 that the Committee had terminated on January 14, 2016, however, no additional campaign disclosure
15 statements were filed to disclose activity after July 1, 2015. The Committee was required to file a semi-
16 annual campaign statement for the reporting period of July 1, 2015 through December 31, 2015 but failed
17 to do so. The Committee was required to file a semi-annual campaign statement for the reporting period of
18 January 1, 2016 through the date of termination but failed to do so.

19 Contributor Information

20 The semi-annual campaign statement for the reporting period of January 1, 2015 through June 30,
21 2015 was filed without required contributor information. The statement was missing the occupation and
22 employer information for each of the twelve (12) itemized contributors, who individually contributed \$100
23 or more to the Committee. The value of the twelve contributions totaled \$1,700, which is approximately
24 50% of the total contributions the Committee received during this reporting period. This statement was
25 also missing three contributors' addresses.

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27

28 ¹⁷ Section 84100.

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

¹⁹ Sections 83116.5 and 91006.

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VIOLATIONS

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

The Committee and Duran failed to timely file one semi-annual statement for the period of July 1, 2015 through December 31, 2015 in violation of Section 84200.

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

The Committee and Duran failed to timely file one semi-annual statement for the period of January 1, 2016 through the date of termination in violation of Section 84200.

Count 3: Failure to Disclose Accurate Contributor Information on a Campaign Statement

The Committee and Duran failed to disclose contributors' address, occupation, and/or employer information on the semi-annual campaign statement for the period of January 1, 2015 through June 30, 2015, in violation of Section 84211, subdivision (f).

EXCULPATORY OR MITIGATING INFORMATION

The recall effort did not qualify for the ballot. The Committee and the treasurer do not have a record of prior history of violating the Act.

OTHER RELEVANT MATERIAL

The original complaint contained an undated screenshot of a comment Duran made on Facebook. In this screenshot, Duran states that she was solely responsible for maintaining and reporting the Committee's contributions and expenditures. She writes that over a period of five months, the Committee accrued less than \$8,000 in expenditures and that the Committee had a remaining surplus of \$1,700. However, no statements were filed to disclose the spending activity, who the additional funds were raised from, or to indicate how the surplus funds were handled on the termination statement.

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CONCLUSION

Probable cause exists to believe that Recall Pan and Katherine Duran 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: Sept. 27, 2019

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION

Galena West
Enforcement Chief



By: Theresa Gilbertson
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 10/31/19, I served the following document(s):

1. Letter dated 10/31/19, from Theresa Gilbertson;
2. FPPC No. 17/00925 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

Katherine Duran
20214 S Cedar Ln
Pine Grove, CA 95665

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 10/31/19



Theresa Gilbertson

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

KATHERINE DURAN
20214 S. CEDAR LN
PINE GROVE, CA 95065



9590 9402 4740 8344 7634 04

2. Article Number (transfer from service label)

7018 2290 0001 9166 4329

COMPLETE THIS SECTION, ON DELIVERY

A. Signature

[Handwritten Signature]

- Agent
- Addressee

B. Received by (Printed Name)

MATTHEW GOSWAMI

C. Date of Delivery

11-13-19

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

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- (all Restricted Delivery)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Exhibit A-5

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3
4 In the Matter of) FPPC No. 17/00925
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RECALL PAN AND KATHERINE
DURAN,
Respondent.

FINDING OF PROBABLE CAUSE AND
ORDER TO PREPARE AND SERVE AN
ACCUSATION
Gov. Code § 83115.5

9 By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation
10 Be Prepared and Served, dated December 9, 2019, the Enforcement Division submitted the above-entitled
11 matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request
12 for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served (Ex Parte
13 Request), the Enforcement Division served a Report in Support of a Finding of Probable Cause (PC
14 Report) on Respondent Katherine Duran (“Duran”) and Respondent Recall Pan (“Committee”) on
15 November 13, 2019 by certified mail, return receipt requested. Accompanying the PC Report was a packet
16 of materials that informed Respondents of their right to file a written response to the PC Report and to
17 request a probable cause conference within 21 days following service of the PC Report. During the 21
18 days that followed service of the PC Report, Respondents did not file a response to the PC Report or
19 request a probable cause conference. Pursuant to California Code of Regulations title 2, section 18361.4,
20 determination of probable cause may be made solely on papers submitted when the respondent does not
21 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
28 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

5 The PC Report served on Respondents Duran and the Committee, and the subsequent Ex Parte
6 Request in this matter, alleges three violations of the Political Reform Act were committed, as follows:
7

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

9 The Committee and Duran failed to timely file one semi-annual statement for the period of July 1,
10 2015 through December 31, 2015 in violation of Section 84200.

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

12 The Committee and Duran failed to timely file one semi-annual statement for the period of January
13 1, 2016 through the date of termination in violation of Section 84200.

14 Count 3: Failure to Disclose Accurate Contributor Information on a Campaign Statement

15 The Committee and Duran failed to disclose contributors’ address, occupation, and/or employer
16 information on the semi-annual campaign statement for the period of January 1, 2015 through June 30,
17 2015, in violation of Section 84211, subdivision (f).
18

19 Based on the Ex Parte Request given to me, I find that notice has been given to Duran and the
20 Committee.³ I further find, based on the PC Report and the Ex Parte Request, that there is probable cause
21 to believe that the Duran and the Committee violated the Political Reform Act as alleged in Counts 1-3,
22 as identified above
23
24
25 //

26
27 ² Cal. Code Reg., tit. 2, § 18361.4, subd. (e).

³ Government Code § 83115.5; Cal. Code Reg., tit. 2, §18361.4, subd. (b).

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

3
4 IT IS SO ORDERED.

5
6 Dated: 12-10-19

7 
8 _____
9 Hearing Officer
10 Fair Political Practices Commission

FPPC No. 17/00925, In the matter of Recall Pan and Katherine Duran

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

Katherine Duran
20214 S. Cedar Lane
Pine Grove, CA 95665

(By Personal Service) On Wednesday, December 11, 2019, at approximately 2:30 p.m., I personally served:

Theresa Gilbertson, 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 December 11, 2019.



Sasha Linker

Exhibit A-6

1 GALENA WEST
Chief of Enforcement
2 THERESA GILBERTSON
Senior Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q St, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 323-6421
5 Email: tgilbertson@fppc.ca.gov

6 Attorneys for Complainant

7
8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
9 **STATE OF CALIFORNIA**
10

11 In the Matter of) FPPC No. 17/00925
12)
13 **RECALL PAN and KATHERINE**) **ACCUSATION**
14 **DURAN,**)
15) (Gov. Code §11503)
16 **Respondents.**)
17

18 Complainant, the Enforcement Division of the Fair Political Practices Commission, after a finding
19 of probable cause pursuant to Government Code Section 83115.5, alleges the following:

20 **JURISDICTION**

21 1. Complainant is the Enforcement Division of the Fair Political Practices Commission (the
22 “Commission”) and makes this Accusation in its official capacity and in the public interest.

23 2. The authority to bring this action is derived from Title 2, California Code of Regulations,
24 Sections 18361 and 18361.4, subdivision (e), and the statutory law of the State of California, specifically
25 including, but not limited to, Government Code Sections 83111, 83116, and 91000.5, which assign to the
26 Enforcement Division the duty to administer, implement, and enforce the provisions of the Political
27 Reform Act, found at Government Code Sections 81000 through 91014.
28

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

2 11. A committee must file two semi-annual campaign statements each year no later than July
3 31 for the reporting period ending on June 30, and no later than January 31 of the following year for the
4 reporting period ending December 31.⁶

5 12. When a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing
6 deadline is extended to the next business day.⁷

7 **C. Duty to Disclose Contributor and Expenditure Information on Campaign Statements**

8 13. The Act requires committees to report on campaign statements the following information
9 about a person who makes, in the aggregate, contributions of \$100 or more: (1) full name; (2) street
10 address; (3) occupation; (4) employer, or if self-employed, the name of the contributor's business; (5)
11 the date and amount of each contribution received from the contributor during the reporting period; and
12 (6) the cumulative amount of contributions received from the contributor.⁸

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

14 14. In framing a proposed order following a finding of a violation pursuant to Section 83116,
15 the Commission and the administrative law judge shall consider all the surrounding circumstances
16 including but not limited to: (1) The seriousness of the violation; (2) The presence or absence of any
17 intention to conceal, deceive or mislead; (3) Whether the violation was deliberate, negligent or inadvertent;
18 (4) Whether the violator demonstrated good faith by consulting the Commission staff or any other
19 government agency in a manner not constituting a complete defense under Section 83114(b); (5) Whether
20 the violation was isolated or part of a pattern and whether the violator has a prior record of violations of
21 the Act or similar laws; and (6) Whether the violator, upon learning of a reporting violation, voluntarily
22 filed amendments to provide full disclosure.⁹

23 **GENERAL FACTS**

24 15. On June 3, 2015, the Committee filed a statement of organization with the Secretary of
25 State, indicating that it did not yet qualify and that it was a primarily formed committee to recall Richard

26
27 ⁶ Section 84200, subdivision (a).

⁷ Regulation 18116.

28 ⁸ Section 84211, subdivision (f).

⁹ Regulation 18361.5, subdivision (d).

1 Pan, Senator for the California 6th District. The Committee named Duran as both principal officer and
2 treasurer. On July 3, 2015, the Committee filed an amended statement of organization and indicated that
3 it qualified as a recipient committee on June 4, 2015.

4 16. According to records obtained from the Secretary of State, a Notice of Intention to
5 Circulate Recall Petition was served to Senator Richard Pan by Katherine Duran and 49 others on or
6 around June 1, 2015.

7 17. As the subject of the recall had been served a copy of the Intent to Recall on or by June 4,
8 2015 and the Committee received consideration for an accrued expense on or by June 6, 2015, the
9 Committee qualified as a committee on or by June 6, 2015. Specifically, on June 6, 2015, the Committee
10 received the benefit of a publication costing approximately \$1,595 made in the Sacramento Bee to give
11 notice of the intent to recall Senator Pan.

12 18. On August 3, 2015, the Committee filed a semi-annual campaign statement for the
13 reporting period of January 1, 2015 through June 30, 2015 and reported \$3,420 in contributions received,
14 \$2,337.05 in expenditures made, and an ending cash balance of \$2,678.

15 19. The Committee and Duran were required to disclose complete contributor information,
16 including address and occupation and/or employment, for contributors of \$100 or more on its semi-annual
17 campaign statement but failed to do so.

18 20. The semi-annual campaign statement for the reporting period of January 1, 2015 through
19 June 30, 2015 was missing the occupation and employer information for each of the twelve contributors,
20 who individually contributed \$100 or more to the Committee. The value of the twelve contributions totaled
21 \$1,700, which is approximately 50% of the total contributions the Committee received during this
22 reporting period.

23 21. The semi-annual campaign statement for the reporting period of January 1, 2015 through
24 June 30, 2015 was also missing three contributors' addresses.

25 22. The recall effort did not qualify for the ballot after failing to submit signatures to county
26 election officials by the deadline of December 31, 2015.

1 file a written response to the PC Report, or both. As of the date of this Accusation, the Committee and
2 Duran have not responded to the PC Report.

3 31. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an
4 Accusation Be Prepared and Served (“Ex Parte Request”), dated December 9, 2019, the Enforcement
5 Division submitted the matter to the Hearing Officer for a determination of probable cause.

6 32. On or about December 10, 2019, the Hearing Officer issued an order finding, based on the
7 Ex Parte Request and the PC Report, that there was probable cause to believe the Committee and Duran
8 violated the Act and directed the Enforcement Division to issue an accusation against the Committee and
9 Duran in accordance with the finding.

10 33. The Enforcement Division attempted further contact by phone on December 17, 2019.
11 Duran attempted contact with the Enforcement Division on December 24, 2019 and left a voicemail asking
12 for a call back.

13 34. The Enforcement Division has been in contact with Duran, by email and by phone on
14 January 3, 2020, February 24, 2020, and March 26, 2020 in regard to records held by the Committee. Ms.
15 Duran responded by phone on February 24, 2020 and by email on February 28, 2020.

16 35. To date, the Committee and Duran have failed to produce committee records and have
17 failed to file amendments or outstanding campaign statements to fully disclose the activity of the
18 Committee.

19 **VIOLATIONS**

20 36. The Committee and Duran committed three violations of the Act as follows:

21 **Count 1**

22 **Failure to Disclose Accurate Contributor Information on a Campaign Statement**

23 37. Complainant incorporates paragraphs 1 – 36 of this Accusation, as though completely set
24 forth here.

25 38. The Committee and Duran had a duty to disclose the addresses, occupation and/or
26 employer information for contributors of \$100 or more on the semi-annual campaign statement for the
27 reporting period of January 1, 2015 through June 30, 2015.

1 39. The Committee and Duran failed to disclose the addresses, occupation and/or employer
2 information of contributors of \$100 or more on the semi-annual campaign statement for the reporting
3 period of January 1, 2015 through June 30, 2015.

4 40. By failing to disclose the addresses, occupation and/or employer information of
5 contributors of \$100 or more on the semi-annual campaign statement for the reporting period of January
6 1, 2015 through June 30, 2015, the Committee and Duran violated Government Code Section 84211,
7 subdivision (f).

8 **Count 2**

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

10 41. Complainant incorporates paragraphs 1 – 40 of this Accusation, as though completely set
11 forth here.

12 42. The Committee and Duran had a duty to file a semi-annual campaign statement for the
13 reporting period of July 1, 2015 through December 31, 2015 by the deadline of February 1, 2016.

14 43. The Committee and Duran failed to timely file the semi-annual campaign statement for the
15 reporting period of July 1, 2015 through December 31, 2015 by the deadline.

16 44. By failing to timely file the semi-annual campaign statement by February 1, 2016, the
17 Committee and Duran violated Government Code Section 84200.

18 **Count 3**

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

20 45. Complainant incorporates paragraphs 1 – 44 of this Accusation, as though completely set
21 forth here.

22 46. The Committee and Duran had a duty to file a semi-annual campaign statement for the
23 reporting period of January 1, 2016 through January 14, 2016 by the deadline of July 31, 2016.

24 47. The Committee and Duran failed to timely file the semi-annual campaign statement for the
25 reporting period of January 1, 2016 through January 14, 2016 by the deadline of July 31, 2016.

26 48. By failing to timely file the semi-annual campaign statement by July 31, 2016, the
27 Committee and Duran violated Government Code Section 84200.

28 //

1 **MITIGATING OR EXCULPATORY FACTORS**

2 49. The recall effort did not qualify for the ballot.

3 50. The Committee and Duran do not have a history of violating the Act.

4 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

5 51. The original complaint contained an undated screenshot of a comment allegedly left by
6 Duran posted on Facebook. In this screenshot, Duran states that she was solely responsible for maintaining
7 and reporting the Committee’s contributions and expenditures. She writes that over a period of five
8 months, the Committee accrued less than \$8,000 in expenditures and that the Committee had a remaining
9 surplus of \$1,700. However, no statements were filed to disclose the spending activity, who the additional
10 funds were raised from, or to indicate the final disposition of the surplus funds.

11 52. According to bank records obtained by the Enforcement Division, there was activity after
12 the Committee’s last date of reporting campaign activity: approximately \$7,763 in expenditures and
13 \$6,680 in contributions.

14 **PRAYER**

15 WHEREFORE, Complainant prays as follows:

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

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

13
14 Dated: 27 July 2020



Galena West
Chief of Enforcement
Fair Political Practices Commission

Exhibit A-7



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

STATEMENT TO RESPONDENTS

[Government Code Section 11505, subdivision (b)]

RECALL PAN and KATHERINE DURAN

FPPC Case No. 17/00925

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 Theresa Gilbertson, Commission Counsel, at (916) 323-6421 or tgilbertson@fppc.ca.gov, 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)
)
 RECALL PAN and KATHERINE) FPPC Case No. 17/00925
 DURAN)
)
 Respondents.)
)
)
)
)
)

Katherine Duran, a respondent named in the above entitled proceeding and on behalf of the committee, Recall Pan, hereby acknowledges 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)
)
 RECALL PAN and KATHERINE) FPPC Case No. 17/00925
 DURAN)
)
 Respondents.)
)
)
)
)

Katherine Duran, a respondent named in the above entitled proceeding and on behalf of the committee, Recall Pan, hereby acknowledges 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*.

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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, Suite 3000, Sacramento, California 95811. On 7/27/2020, I served the following document(s):

- 1. Statement to Respondent;
- 2. FPPC Case No. 2017/925: 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 4:00 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.**

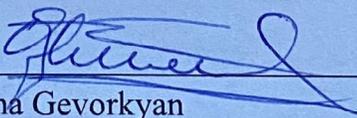
I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

SERVICE LIST

Personal Service

Katherine Duran
20214 S Cedar Lane
Pine Grove, CA 95665

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 7/27/2020



Suzanna Gevorkyan

Exhibit A-8

Attorney or party without Attorney	
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION 1102 Q STREET, SUITE 3000 SACRAMENTO, CA 95811 TELEPHONE NO.: (916) 322-8185 FAX NO.: EMAIL: ATTORNEY FOR: IN THE MATTER OF RECALL PAN AND KATHERINE DURAN	
BEFORE THE FAIR POLITICAL PRACTICES COMMISSION STATE OF CALIFORNIA	
PETITIONER/PLAINTIFF IN THE MATTER OF RECALL PAN AND KATHERINE DURAN RESPONDENT/DEFENDANT	CASE NUMBER 17/0925
AFFIDAVIT OF SERVICE	FILE NO.:

State of California
County of Amador ss.

Received by CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION on 7/27/2020 to be served upon:
KATHERINE DURAN

I, Peter H. Campbell, depose and say that:

On 08/27/2020 at 01:17 PM, I served the within ACCUSATION; NOTICE OF DEFENSE; STATEMENT TO RESPONDENTS; on KATHERINE DURAN at 20214 S. CEDAR LANE , PINE GROVE, CA 95665 in the manner indicated below:

By delivering to the within named person a true copy of this process and informing the person of the general nature of the documents

I declare under penalties of perjury that the foregoing is true and correct.

Date: 8/28/2020

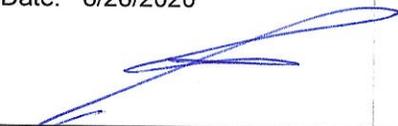

 Peter H. Campbell, Amador County, Reg. # 19-006
 Campbell Attorney Service
 P.O. Box 445
 Ione, CA 95640
 Phone: (209) 274-6539

Exhibit A-9

**Statement of Organization
Recipient Committee**

B
P 34
1377741

Statement Type Initial Amendment Termination – See Part 5
 Not yet qualified or
 List I.D. number: # _____
 Date qualified as committee: ____/____/____ Date qualified as committee (If applicable): ____/____/____ Date of Termination: ____/____/____

Date Stamp
RECEIVED AND FILED
 in the office of the Secretary of State
 of the State of California
JUN 03 2015
 Hand Delivered, Sacramento
CALIFORNIA FORM 410
 For Official Use Only
 B-DU

1. Committee Information

NAME OF COMMITTEE
RECALL PAN
 STREET ADDRESS (NO P.O. BOX)
9900 JUSTAMERE LANE
 CITY STATE ZIP CODE AREA CODE/PHONE
ELK GROVE CA 95624 (530)721-1662
 MAILING ADDRESS (IF DIFFERENT)
P O BOX 1452 ELK GROVE CA 95759
 FAX / E-MAIL ADDRESS
KATHERINELDURAN@AOL.COM
 COUNTY OF DOMICILE JURISDICTION WHERE COMMITTEE IS ACTIVE
SACRAMENTO STATE OF CALIFORNIA

2. Treasurer and Other Principal Officers

NAME OF TREASURER
KATHERINE DURAN
 STREET ADDRESS (NO P.O. BOX)
9900 JUSTAMERE LANE (530) 721-1662
 CITY STATE ZIP CODE AREA CODE/PHONE
ELK GROVE CA 95624
 NAME OF ASSISTANT TREASURER, IF ANY
 STREET ADDRESS (NO P.O. BOX)
 CITY STATE ZIP CODE AREA CODE/PHONE
 NAME OF PRINCIPAL OFFICER(S)
KATHERINE DURAN
 STREET ADDRESS (NO P.O. BOX)
9900 JUSTAMERE LANE
 CITY STATE ZIP CODE AREA CODE/PHONE
ELK GROVE CA 95624 (530)721-1662

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 06/03/2015 By *Katherine Duran*
DATE SIGNATURE OF TREASURER OR ASSISTANT TREASURER
 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
 Executed on _____ By _____
DATE SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

Page 2

COMMITTEE NAME

RECALL PAN

I.D. NUMBER

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

NAME OF FINANCIAL INSTITUTION BANK OF AMERICA	AREA CODE/PHONE (916)685-9552	BANK ACCOUNT NUMBER 325022087867
ADDRESS 8959 ELK GROVE BLVD	CITY ELK GROVE	STATE ZIP CODE CA 95624

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
			<input 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	
RECALL RICHARD PAN	SENATOR, CA, DIST. 6	SUPPORT <input checked="" type="checkbox"/>	OPPOSE <input type="checkbox"/>
		SUPPORT <input type="checkbox"/>	OPPOSE <input type="checkbox"/>

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

Page 3

I.D. NUMBER

COMMITTEE NAME

RECALL PAN

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

TO RECALL PAN

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-10

Statement of Organization Recipient Committee

R 34
P

1377741

OK

Statement Type Initial Amendment Termination - See Part 5

Not yet qualified or _____

List I.D. number: # 1377741

Date qualified as committee 06 / 04 / 2015

List I.D. number: # _____

Date of Termination _____

Date qualified as committee (if applicable) _____

Date Stamp
RECEIVED AND FILED
in the office of the Secretary of State of the State of California
JUL 03 2015
Hand Delivered, Sacramento

CALIFORNIA FORM 410
For Official Use Only
211870
713

1. Committee Information

NAME OF COMMITTEE
RECALL PAN

STREET ADDRESS (NO P.O. BOX)
9900 JUSTAMERE LANE

CITY STATE ZIP CODE AREA CODE/PHONE
ELK GROVE CA 95624 (530)721-1662

MAILING ADDRESS (IF DIFFERENT)
P.O. BOX 1452 ELK GROVE, CA 95759

FAX / E-MAIL ADDRESS
KATHERINELDURAN@AOL.COM

COUNTY OF DOMICILE JURISDICTION WHERE COMMITTEE IS ACTIVE
SACRAMENTO STATE OF CALIFORNIA

2. Treasurer and Other Principal Officers

NAME OF TREASURER
KATHERINE DURAN

STREET ADDRESS (NO P.O. BOX)
9900 JUSTAMERE LANE

CITY STATE ZIP CODE AREA CODE/PHONE
ELK GROVE CA 95624 (530)721-1662

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

NAME OF PRINCIPAL OFFICER(S)
KATHERINE DURAN

STREET ADDRESS (NO P.O. BOX)
9900 JUSTAMERE LANE

CITY STATE ZIP CODE AREA CODE/PHONE
ELK GROVE CA 95324 (530)721-1662

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 06/30/2015 By [Signature]
DATE SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on 6/30/15 By [Signature]
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

Exhibit A-11

NOTICE OF INTENTION TO CIRCULATE RECALL PETITION

TO THE HONORABLE SENATOR RICHARD PAN,

Pursuant to Section 11020, California Elections Code, the undersigned registered qualified voters of STATE SENATE DISTRICT 06 in the State of California, hereby give notice that we are the proponents of a recall petition and that we intend to seek your recall and removal from the office of STATE SENATE, in SENATE DISTRICT 06, California, and to demand election of a successor in that office.

The grounds for the recall are as follows:

We the People initiate this recall because Senator Pan is heavily funded by special interest groups who have managed to influence and drive his legislative agenda. Pan is too ideologically blinded to understand and to accept the founding principles of this state and our country, which are based on freedom and liberty. Pan has worked tirelessly to strip parents of their natural right to make day to day parental, religious and/or medical decisions on behalf of their own children. His bill, SB277, interferes with the legal rights of private schools. It is Senator Pan's goal to kick every non-compliant child out of any school, public or private. Furthermore, Pan has not been honest with the public or his constituents. Instead, he has generated a lot of hysteria in the media to scare people into a panic over SB277. Senator Pan is paid by taxpayers to represent us, the very people he has shown nothing but contempt for. We do not pay legislators to go to Sacramento to pander to dangerous special interest groups who are only interested in profiting off of any government mandate and legislation that they can manage to buy. He must be removed.

The printed names, signatures, and residence addresses of the proponents are as follows:

#	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
1	José R LOPEZ	6708 PALLAZZO WAY ELK GROVE CA. 95757	<i>José R Lopez</i>
2	Katherine Duran	9900 Justamere Lane Elk Grove, CA. 95624	<i>Katherine Duran</i>
3	MATTHEW GOSOVICH	9900 JUSTAMERE LN. ELK GROVE, CA. 95624	<i>Matthew Gosovich</i>
4	Rebecca Caston	8659 Kiwi Cir Elk Grove, CA 95624	<i>Rebecca Caston</i>
5	Barbara A. Sloan	9868 Don Carlos Ct. ELK GROVE, CA 95624	<i>Barbara A. Sloan</i>
6	GEORGE J SLOAN	9868 Don Carlos Ct. ELK GROVE, CA 95624	<i>George A. Sloan</i>
7	Ron Krieg RON KRIEG	9869 DON CARLOS ELK GROVE CA 95624	<i>Ronald Krieg</i>

#	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
8	DIANE L. KRIEG	9869 DON CARLOS CT ELK GROVE CA 95624	<i>Diane Krieg</i>
9	Laurel Gardner	8744 morning glory way Elk Grove CA 95624	<i>Laurel Gardner</i>
10	DAVID R. GARDNER	8744 morning glory way ELK GROVE, CA. 95624	<i>David R. Gardner</i>
11	Janice Hidalgo	9324 Grassy Knoll Way Elk Grove, CA. 95758	<i>Janice Hidalgo</i>
12	Judith O'Neal Judith A O'Neal	10630 Sheldon Woods	<i>Judith O'Neal</i>
13	Rebecca Gonzalez	4121 FAWN CIRCLE, Sacramento CA, 95823	<i>Rebecca Gonzalez</i>
14	JAVIER GONZALEZ	4121 FAWN CIRCLE SACRAMENTO CA, 95823	<i>Javier Gonzalez</i>
15	EDWARD J. HIDALGO	9324 GRASSY KNOLL WAY. ELK GROVE CA 95758	<i>Edward J. Hidalgo</i>
16	SUSAN A. MASON	6836 ROMANZO WAY ELK GROVE CA 95758	<i>Susan A. Mason</i>
17	JILL FLANAGAN	1689 CABHAN Ct. Folsom CA 95630	<i>Jill Flanagan</i>
18	Sean O'Neal	3208 Perryman Way Sacramento CA 95820	<i>Sean O'Neal</i>
19	Angela Marie Azevedo	6899 Romanzo Way Elk Grove, CA 95758	<i>Angela Marie Azevedo</i>
20	Lisa Roberts	8456 Chalken Way Elk Grove, CA 95624	<i>Lisa Roberts</i>
21	Roy V. Farrell	6895 Romanzo Way Elk Grove, CA 95758	<i>Roy V. Farrell</i>
22	Linda D. Farrell	6895 Romanzo Way Elk Grove, CA 95758	<i>Linda D. Farrell</i>
23	JOANNE HUGHES	8978 SILVER BAY WAY SACRAMENTO, CA 95829	<i>Joanne Hughes</i>
24	Kathy Upton 95	89 2nd Ave Elk Grove Ca 95624	<i>Kathleen Upton</i>
25	Pat O'Neal	10630 Sheldon Woods way ELK GROVE, CA 95624	<i>Pat O'Neal</i>

#	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
26	Aaron Mills	8217 Cedar Crest way Sacramento, CA 95826	Aaron Mills
27	CHRIS DUNNE	1617 Draper St. Sacramento, CA 95811	Chris Dunne
28	Amber Beasley	5 Paddle Wheel Ct. Sacramento, CA 95833	Amber Beasley
29	Janine Kloss	121 Anjou Circle Sacramento, CA 95835	Janine Kloss
30	Tiffany Cobb	2945 Mendel way Sacramento, CA 95833	Tiffany Cobb
31	MELONIE ZARZUELA	9536 Nicole Ln Elk Grove, CA 95758	Melanie Zarzuela
32	DEANGELO ZARZUELA	9536 Nicole Ln Elk Grove, CA 95758	Deangelo Zarzuela
33	Christina Shaver	515 Meister Way Sacramento CA 95819	Christina Shaver
34	Jacob Valenzuela	515 Meister way Sacramento CA 95819	Jacob Valenzuela
35	David Powell	2500 Brentley Dr Sacramento CA 95822	David Powell
36	Kathryn Mills	8217 Cedar Crest Way Sacramento, CA 95826	Kathryn Mills
37	NORMA ADAME HOSS	5981 19th Avenue SACRAMENTO CA 95820	Norma Adame Hoss
38	Malek Hoss	5981 19th Avenue Sacramento, CA 95820	Malek Hoss
39	Rachel Fretwell	2330 Capitol Ave #12 Sacramento, CA 95816	Rachel Fretwell
40	Michelle Foster	633 James St West Sacramento CA 95605	Michelle Foster
41	Pamela Wood	515 23rd Street Sacramento, CA 95816	Pamela Wood
42	DENNIS MORGAN	4540 MARBLE WY CARMICHAEL CA 95608	Dennis Morgan
43	Susan D. Morgan	4540 Marble Way Carmichael, CA 95608	Susan D Morgan

#	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
44	Stephanie Gonzales	4136 Wheat St. Sacramento, CA 95821	
45	Tamara Broderick	7536 Alma Vista way Sacramento Ca. 95831	Tamara Broderick
46	Jonathan Nathan	7536 Alma Vista Way Sacramento, CA. 95831	
47	Kelley. Broderick	7530 ALMA Vista Way Sacramento, CA 95831	Kelley Broderick
48	MARIE SUSAN	7536 Alma Vista Way Sacramento, Ca 95831	Marie Susan
49	Cristina Aguilar	6421 Pomegranate Ave Sacramento, CA 95827	Aguilar
50	Mané E. Perez	7317 Circle Parkway Sacramento, CA 95823	Mané Perez

Telephone number to contact proponents – (optional)

A copy of this notice and proof of service will be filed with the CALIFORNIA SECRETARY OF STATE.

Elections Code section 11023. (a) Within seven days after the filing of the notice of intention, the officer sought to be recalled may file with the elections official, or in the case of a state officer, the Secretary of State, an answer, in not more than 200 words, to the statement of the proponents. (b) If an answer is filed, the officer shall, within seven days after the filing of the notice of intention, also serve a copy of it, by personal delivery or by certified mail, on one of the proponents named in the notice of intention. (c) The answer shall be signed and shall be accompanied by the printed name and business or residence address of the officer sought to be recalled

EXHIBIT B

PROOF OF SERVICE BY CERTIFIED MAIL

I, KATHERINE LYNN O'NEAL declare that:
(print full name)

I am over the age of 18 years, and I RESIDE in
(reside/am employed)

SACRAMENTO County at 9900 GUARDNER LN - EUC GROVE, CA 95624
(complete address)

On JUNE 1, 2015, 2015, I deposited in the mail at
EUC GROVE,
(place, e.g., name of city or county)

Notice of Intention to Recall SENATOR RICHARD PAN
(name of person sought to be recalled)

in a sealed envelope, with fully prepaid postage thereon for certified mail, addressed to:

HONORABLE SENATOR RICHARD PAN at:
(name of officer sought to be recalled)

CAPITOL OFFICE, STATE CAPITOL RM 4070
(mail address) SACRAMENTO, CA 95814

I have attached the original of the Notice of Intention to this Proof of Service.

I, KATHERINE LYNN O'NEAL, declare under penalty of
(print full name)

perjury under the laws of the State of California that the foregoing is true and correct,

and that I executed this Proof of Service: On 6/1/2015 at
(date)

EUC GROVE, SACRAMENTO, CA
(place of signing, e.g., city or county)

Katherine Lynn O'Neal
(complete signature)

Exhibit A-12

The Sacramento Bee

P.O. Box 15779 • 2100 Q Street • Sacramento, CA 95852

RECALL PAN
P.O. BOX 1452
ELK GROVE, CA 95759

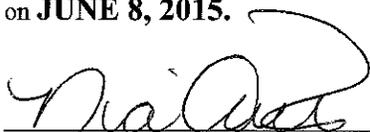
DECLARATION OF PUBLICATION
 (C.C.P. 2015.5)

COUNTY OF SACRAMENTO
STATE OF CALIFORNIA

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the printer and principal clerk of the publisher of The Sacramento Bee, printed and published in the City of Sacramento, County of Sacramento, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sacramento, State of California, under the date of September 26, 1994, Action No. 379071; that the notice of which the annexed is a printed copy, has been published in each issue thereof and not in any supplement thereof on the following dates, to wit:

JUNE 6, 2015

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Sacramento, California, on **JUNE 8, 2015**.



 (Signature)

NOTICE OF INTENTION TO CIRCULATE RECALL PETITION

TO THE HONORABLE SENATOR RICHARD PAN

Pursuant to Section 11020, California Elections Code, the undersigned registered qualified voters of STATE SENATE DISTRICT 06 in the State of California, hereby give notice that we are the proponents of a recall petition and that we intend to seek your recall and removal from the office of STATE SENATE, in SENATE DISTRICT 06, California, and to demand election of a successor in that office.

The grounds for the recall are as follows:

We the People initiate this recall because Senator Pan is heavily funded by special interest groups who have managed to influence and drive his legislative agenda. Pan is too ideologically blinded to understand and to accept the founding principles of this state and our country, which are based on freedom and liberty. Pan has worked tirelessly to strip parents of their natural right to make day-to-day parental, religious and/or medical decisions on behalf of their own children. His bill, SB277, interferes with the legal rights of private schools. It is Senator Pan's goal to kick every non-compliant child out of any school, public or private. Furthermore, Pan has not been honest with the public or his constituents. Instead, he has generated a lot of hysteria in the media to scare people into a panic over SB277. Senator Pan is paid by taxpayers to represent us, the very people he has shown nothing but contempt for. We do not pay legislators to go to Sacramento to pander to dangerous special interest groups who are only interested in profiting off of any government mandate and legislation that they can manage to buy. He must be removed.

The printed names, signatures, and residence addresses of the proponents are as follows:

#	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE	#	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
1	Jose R Lopez	6708 Pallazzo Way, Elk Grove CA 95757		26	Aaron Mills	8217 Cedar Crest Way, Sacramento, CA 95826	
2	Katherine Duran	9900 Justamere Lane, Elk Grove, CA 95624		27	Chris Duine	1617 Brenner St, Sacramento, CA 95811	
3	Mathew Gascovich	9900 Justamere Lane, Elk Grove, CA 95624		28	Amber Beasley	5 Paddle Wheel Ct, Sacramento, CA 95833	
4	Rebecca Caston	8659 Kiwi Ct, Elk Grove, CA 95624		29	Janine Kloss	121 Anjou Circle, Sacramento, CA 95835	
5	Barbara A. Sloan	9869 Don Carlos Ct, Elk Grove, CA 95624		30	Tiffany Cobb	2945 Mendel Way, Sacramento, CA 95883	
6	George S. Sloan	9868 Don Carlos Ct, Elk Grove, CA 95624		31	Melonie Zarzuela	9536 Nicole Ln, Elk Grove, CA 95758	
7	Ron Krieg	9869 Don Carlos, Elk Grove, CA 95624		32	Deangel O Zarzuela	9536 Nicole Ln, Elk Grove, CA 95758	
8	Diane L. Krieg	9869 Don Carlos Ct, Elk Grove CA 95624		33	Christina Slawer	515 Meister Way, Sacramento, CA 95819	
9	Lavral Gardner	8744 Morning Glory Way, Elk Grove CA 95624		34	Jacob Valenzuela	515 Meister Way, Sacramento, CA 95819	
10	David R. Gardner	8744 Morning Glory Way, Elk Grove CA 95624		35	David Powell	2500 Brentley Dr, Sacramento, CA 95822	
11	Janice Hidalgo	9324 Grassy Knoll Way, Elk Grove, CA 95758		36	Kathryn Mills	8217 Cedar Crest Way, Sacramento, CA 95826	
12	Judith A O'Neal	10630 Sheldon Woods		37	Norma Abame Hoss	5981 19th Avenue, Sacramento, CA 95820	
13	Rebecca Gonzalez	4121 Fawn Circle, Sacramento, CA 95823		38	Mailek Hoss	5981 19th Avenue, Sacramento, CA 95820	
14	Javier Gonzalez	4121 Fawn Circle, Sacramento, CA 95823		39	Rachel Pretwell	2330 Capitol Ave #12, Sacramento, CA 95816	
15	Edward J. Hidalgo	9324 Grassy Knoll Way, Elk Grove CA 95758		40	Michelle Foster	633 James St, West Sacramento, CA 95605	
16	Susan A. Mason	6836 Romanzo Way, Elk Grove CA 95758		41	Pamela Wood	515 23rd Street, Sacramento, CA 95816	
17	Jill Flanagan	1689 Cabhan Ct, Folsom CA 95630		42	Dennis Morgan	4540 Marble Way, Carmichael, CA 95608	
18	Sean O'Leary	3208 P???? Way, Sacramento CA 95820		43	Susan D Morgan	4540 Marble Way, Carmichael, CA 95608	
19	Angela Marie Azaredo	6899 Romanzo Way, Elk Grove, CA 95758		44	Stephanie Gonzales	4136 Wheat St, Sacramento, CA 95821	
20	Lisa Roberts	8436 Chantia Way, Elk Grove, CA 95624		45	Tamara Broderick	7536 Alma Vista Way, Sacramento, CA 95831	
21	Ray W Farrell	6895 Romanzo Way, Elk Grove, CA 95758		46	Jonathan Nathan	7536 Alma Vista Way, Sacramento, CA 95831	
22	Linda D. Farrell	6895 Romanzo Way, Elk Grove, CA 95758		47	Kelsey Broderick	7530 Alma Vista Way, Sacramento, CA 95831	
23	Joanne Hughes	8978 Silver Bay Way, Sacramento, CA 95829		48	Morie Susun	7536 Alma Vista Way, Sacramento, CA 95831	
24	Kathy Upton	9589 2nd Ave, Elk Grove, CA 95624		49	Cristina Aguilar	6421 pomegrante Ave, Sacramento, CA 95823	
25	Pat Oveal	10630 Sheldon Woods Way, Elk Grove, CA 95624		50	Mami E. Perez	7317 Circle Parkway, Sacramento, CA 95823	

Exhibit A-13

**Recipient Committee
Campaign Statement
Cover Page**

(Government Code Sections 84200-84216.5)

Type or print in ink.

COVER PAGE

Date Stamp FILED in the office of the Secretary of State of the State of California AUG 03 2015	CALIFORNIA FORM 460
Page <u>1</u> of <u>15</u>	
For Official Use Only	

Statement covers period
from 1/1/15
through 6/30/15

Date of election if applicable:
(Month, Day, Year)

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- | | |
|---|---|
| <input type="checkbox"/> Officeholder, Candidate Controlled Committee | <input type="checkbox"/> Primarily Formed Ballot Measure Committee |
| <input type="radio"/> State Candidate Election Committee | <input type="radio"/> Controlled |
| <input type="radio"/> Recall
<i>(Also Complete Part 5)</i> | <input type="radio"/> Sponsored
<i>(Also Complete Part 6)</i> |
| <input checked="" type="checkbox"/> General Purpose Committee | <input type="checkbox"/> Primarily Formed Candidate/Officeholder Committee
<i>(Also Complete Part 7)</i> |
| <input type="radio"/> Sponsored | |
| <input type="radio"/> Small Contributor Committee | |
| <input type="radio"/> Political Party/Central Committee | |

2. Type of Statement:

- | | |
|---|---|
| <input type="checkbox"/> Preelection Statement | <input type="checkbox"/> Quarterly Statement |
| <input checked="" type="checkbox"/> Semi-annual Statement | <input type="checkbox"/> Special Odd-Year Report |
| <input type="checkbox"/> Termination Statement
<i>(Also file a Form 410 Termination)</i> | <input type="checkbox"/> Supplemental Preelection Statement - Attach Form 495 |
| <input type="checkbox"/> Amendment (Explain below) | |

3. Committee Information

I.D. NUMBER
1377741

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)

RECALL PAN

STREET ADDRESS (NO P.O. BOX)
9900 JUSTAMERE LANE

CITY	STATE	ZIP CODE	AREA CODE/PHONE
ELK GROVE,	CA	95624	916.896.0007

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX
P.O. BOX 1452

CITY	STATE	ZIP CODE	AREA CODE/PHONE
EK GROVE	CA	95759	530.721.1662

OPTIONAL: FAX / E-MAIL ADDRESS

Treasurer(s)

NAME OF TREASURER
KATHERINE DURAN

MAILING ADDRESS
P.O. BOX 1452

CITY	STATE	ZIP CODE	AREA CODE/PHONE
ELK GROVE	CA	95759	916.896.0007

NAME OF ASSISTANT TREASURER, IF ANY

N/A

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
------	-------	----------	-----------------

OPTIONAL: FAX / E-MAIL ADDRESS

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules 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 7/31/15
Date

Executed on 7/31/15
Date

Executed on _____
Date

Executed on _____
Date

By Katherine Duran
Signature of Treasurer or Assistant Treasurer

By Katherine Duran
Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

By _____
Signature of Controlling Officeholder, Candidate, State Measure Proponent

By _____
Signature of Controlling Officeholder, Candidate, State Measure Proponent

**Recipient Committee
Campaign Statement
Cover Page — Part 2**

Type or print in ink.

COVER PAGE - PART 2

CALIFORNIA FORM	460
Page <u>2</u> of <u>15</u>	

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE
N/A

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP

Related Committees Not Included in this Statement: *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME N/A	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX)	
CITY STATE ZIP CODE AREA CODE/PHONE	

COMMITTEE NAME N/A	I.D. NUMBER
NAME OF TREASURER	CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX)	
CITY STATE ZIP CODE AREA CODE/PHONE	

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE
N/A

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSE
----------------------	--------------	--

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT
RICHARD PAN

OFFICE SOUGHT OR HELD SENATOR	DISTRICT NO. IF ANY 6
----------------------------------	--------------------------

7. Primarily Formed Candidate/Officeholder Committee *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE N/A	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

**Campaign Disclosure Statement
Summary Page**

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

SUMMARY PAGE

Statement covers period from <u>1/1/15</u> through <u>6/30/15</u>	CALIFORNIA FORM 460
	Page <u>3</u> of <u>15</u>
	I.D. NUMBER # 1377741

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

KATHERINE DURAN

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions Schedule A, Line 3	\$ <u>3420.00</u>	\$ _____
2. Loans Received Schedule B, Line 3	_____	_____
3. SUBTOTAL CASH CONTRIBUTIONS Add Lines 1 + 2	\$ <u>3420.00</u>	\$ _____
4. Nonmonetary Contributions Schedule C, Line 3	_____	_____
5. TOTAL CONTRIBUTIONS RECEIVED Add Lines 3 + 4	\$ <u>3420.00</u>	\$ _____

**Calendar Year Summary for Candidates
Running in Both the State Primary and
General Elections**

	1/1 through 6/30	7/1 to Date
20. Contributions Received	\$ <u>3420.00</u>	\$ _____
21. Expenditures Made	\$ <u>2337.05</u>	\$ _____

Expenditures Made

	Column A	Column B
6. Payments Made Schedule E, Line 4	\$ <u>741.89</u>	\$ _____
7. Loans Made Schedule H, Line 3	_____	_____
8. SUBTOTAL CASH PAYMENTS Add Lines 6 + 7	\$ <u>741.89</u>	\$ _____
9. Accrued Expenses (Unpaid Bills) Schedule F, Line 3	<u>1595.16</u>	_____
10. Nonmonetary Adjustment Schedule C, Line 3	_____	_____
11. TOTAL EXPENDITURES MADE Add Lines 8 + 9 + 10	\$ <u>2337.05</u>	\$ _____

**Expenditure Limit Summary for State
Candidates**

22. Cumulative Expenditures Made*
(If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy)	Total to Date
____/____/____	\$ _____ N/A
____/____/____	\$ _____ N/A

Current Cash Statement

12. Beginning Cash Balance Previous Summary Page, Line 16	\$ <u>0.00</u>
13. Cash Receipts Column A, Line 3 above	<u>3420.00</u>
14. Miscellaneous Increases to Cash Schedule I, Line 4	_____
15. Cash Payments Column A, Line 8 above	<u>741.89</u>
16. ENDING CASH BALANCE Add Lines 12 + 13 + 14, then subtract Line 15	\$ <u>2678.00</u>

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED Schedule B, Part 2	\$ _____
---	----------

Cash Equivalents and Outstanding Debts

18. Cash Equivalents See instructions on reverse	\$ _____
19. Outstanding Debts Add Line 2 + Line 9 in Column B above	\$ <u>1595.16</u>

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

*Amounts in this section may be different from amounts reported in Column B.

**Schedule A
Monetary Contributions Received**

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

SCHEDULE A

Statement covers period from <u>1/1/15</u> through <u>6/30/15</u>	CALIFORNIA FORM 460
	Page <u>4</u> of <u>15</u>

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

KATHERINE DURAN

I.D. NUMBER
1377741

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
6/24/15	ALICIA JEROME 3621 Catamaran Dr. Corona del Mar, CA 92625	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		200.00		
6/30/15	GEORGE E SIBTHORP 2130 Fillmore St #116 San Francisco, CA 94115	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		100.00		
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				

SUBTOTAL \$

300

Schedule A Summary

- Amount received this period – itemized monetary contributions.
(Include all Schedule A subtotals.) \$ 1700.00
- Amount received this period – unitemized monetary contributions of less than \$100 \$ 1520.00
- Total monetary contributions received this period.
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) **TOTAL \$** 3420.00

*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

Schedule A (Continuation Sheet)
Monetary Contributions Received

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

SCHEDULE A (CONT.)

Statement covers period from <u>1/1/15</u> through <u>6/30/15</u>	CALIFORNIA FORM 460
	Page <u>5</u> of <u>15</u>
I.D. NUMBER # 1377741	

NAME OF FILER
 KATHERINE DURAN

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
6/17/15	MELONIE ZARZUELA 9536 NICOLE LANE ELK GROVE, CA 95758	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		100.00		
6/17/15	MARY CATHERINE CASTRO 411 RIDING RIDGE RD ANNAPOLIS, MD 21403	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		100.00		
6/18/15	CARMEN ESTEL	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		500.00		
6/17/15	SHIRLEY SCHECKER 1629 WELLESLEY DR SANTA MONICA, CA 90405	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		100.00		
6/17/15	JANEL PALMER	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		100.00		

SUBTOTAL \$ 900

*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

**Schedule A (Continuation Sheet)
Monetary Contributions Received**

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

SCHEDULE A (CONT.)

Statement covers period from <u>1/1/15</u> through <u>6/30/15</u>	CALIFORNIA FORM 460
	Page <u>6</u> of <u>15</u>

NAME OF FILER KATHERINE DURAN	I.D. NUMBER # 1377741
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DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
6/17/15	MICHELLE GUTIERREZ	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		100.00		
6/18/15	STEPHEN KETTE 4752 MUSSELSHELL DRIVE NEW PORT RICHEY, FL 34655	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		100.00		
6/18/15	DARRELL CRAIN 450 SUMMERHILL COURT ALPINE, CA 91901	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		100.00		
6/19/15	JESSICA DENNING 5933 SARAH COURT CARMICHAEL, CA 95608-5554	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		100.00		
6/19/15	CLAUDETTE COUGHENOUR 146 ACORN DRIVE PETALUMA, CA 94952	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		100.00		

SUBTOTAL \$ 500

*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

**Schedule B – Part 1
Loans Received**

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

Statement covers period from <u>1/1/15</u> through <u>6/30/15</u>	CALIFORNIA FORM 460
	Page <u>07</u> of <u>15</u>

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

KATHERINE DURAN

I.D. NUMBER

1377741

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD*	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
N/A † <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	\$ _____ DATE DUE _____	_____% RATE \$ _____	\$ _____ DATE INCURRED _____	CALENDAR YEAR _____ PER ELECTION** _____ \$ _____
N/A † <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	\$ _____ DATE DUE _____	_____% RATE \$ _____	\$ _____ DATE INCURRED _____	CALENDAR YEAR _____ PER ELECTION** _____ \$ _____
N/A † <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$ _____	\$ _____	<input type="checkbox"/> PAID \$ _____ <input type="checkbox"/> FORGIVEN \$ _____	\$ _____ DATE DUE _____	_____% RATE \$ _____	\$ _____ DATE INCURRED _____	CALENDAR YEAR _____ PER ELECTION** _____ \$ _____
SUBTOTALS \$		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

(Enter (e) on
Schedule E, Line 3)

Schedule B Summary

- Loans received this period \$ _____
(Total Column (b) plus unitemized loans of less than \$100.)
- Loans paid or forgiven this period \$ _____
(Total Column (c) plus loans under \$100 paid or forgiven.)
(Include loans paid by a third party that are also itemized on Schedule A.)
- Net change this period. (**Subtract** Line 2 from Line 1.) **NET \$** _____
Enter the net here and on the Summary Page, Column A, Line 2. (May be a negative number)

†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

*Amounts forgiven or paid by another party also must be reported on Schedule A.

** If required.

**Schedule B – Part 2
Loan Guarantors**

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

Statement covers period from <u>1/1/15</u> through <u>6/30/15</u>	CALIFORNIA FORM 460
	Page <u>8</u> of <u>15</u>

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

KATHERINE DURAN

I.D. NUMBER
1377741

FULL NAME, STREET ADDRESS AND ZIP CODE OF GUARANTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	LOAN	AMOUNT GUARANTEED THIS PERIOD	CUMULATIVE TO DATE	BALANCE OUTSTANDING TO DATE
N/A	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		LENDER _____ DATE _____		CALENDAR YEAR \$ _____ PER ELECTION (IF REQUIRED) \$ _____	
N/A	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		LENDER _____ DATE _____		CALENDAR YEAR \$ _____ PER ELECTION (IF REQUIRED) \$ _____	
N/A	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		LENDER _____ DATE _____		CALENDAR YEAR \$ _____ PER ELECTION (IF REQUIRED) \$ _____	
N/A	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		LENDER _____ DATE _____		CALENDAR YEAR \$ _____ PER ELECTION (IF REQUIRED) \$ _____	

SUBTOTAL \$

Enter on
Summary Page,
Line 17 only.

**Schedule C
Nonmonetary Contributions Received**

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

SCHEDULE C

Statement covers period from <u>1/1/15</u> through <u>6/30/15</u>	CALIFORNIA FORM 460
	Page <u>9</u> of <u>15</u>
I.D. NUMBER # 1377741	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

KATHERINE DURAN

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	DESCRIPTION OF GOODS OR SERVICES	AMOUNT/ FAIR MARKET VALUE	CUMULATIVE TO DATE CALENDAR YEAR (JAN 1 - DEC 31)	PER ELECTION TO DATE (IF REQUIRED)
	N/A	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC					
	N/A	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC					
	N/A	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC					
	N/A	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC					
					SUBTOTAL \$		

Attach additional information on appropriately labeled continuation sheets.

Schedule C Summary

1. Amount received this period – itemized nonmonetary contributions.
(Include all Schedule C subtotals.) \$ _____
2. Amount received this period – unitemized nonmonetary contributions of less than \$100 \$ _____
3. Total nonmonetary contributions received this period.
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Lines 4 and 10.) **TOTAL \$** _____

*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

**Schedule D
Summary of Expenditures
Supporting/Opposing Other
Candidates, Measures and Committees**

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

Statement covers period		SCHEDULED	
from	1/1/15	CALIFORNIA FORM 460	
through	6/30/15	Page <u>10</u> of <u>15</u>	
		I.D. NUMBER # 1377741	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

KATHERINE DURAN

DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
	N/A	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure				
	<input type="checkbox"/> Support <input type="checkbox"/> Oppose					
	N/A	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure				
	<input type="checkbox"/> Support <input type="checkbox"/> Oppose					
	N/A	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure				
	<input type="checkbox"/> Support <input type="checkbox"/> Oppose					
SUBTOTAL \$						

Schedule D Summary

- Itemized contributions and independent expenditures made this period. (Include all Schedule D subtotals.) \$ _____
- Unitemized contributions and independent expenditures made this period of under \$100 \$ _____
- Total contributions and independent expenditures made this period. (Add Lines 1 and 2. Do not enter on the Summary Page.) **TOTAL \$** _____

**Schedule E
Payments Made**

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

SCHEDULE E

Statement covers period from <u>1/1/15</u>	CALIFORNIA FORM 460
through <u>6/30/15</u>	
Page <u>11</u> of <u>15</u>	
I.D. NUMBER # 1377741	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

KATHERINE DURAN

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP campaign paraphernalia/misc.	MBR member communications	RAD radio airtime and production costs
CNS campaign consultants	MTG meetings and appearances	RFD returned contributions
CTB contribution (explain nonmonetary)*	OFC office expenses	SAL campaign workers' salaries
CVC civic donations	PET petition circulating	TEL t.v. or cable airtime and production costs
FIL candidate filing/ballot fees	PHO phone banks	TRC candidate travel, lodging, and meals
FND fundraising events	POL polling and survey research	TRS staff/spouse travel, lodging, and meals
IND independent expenditure supporting/opposing others (explain)*	POS postage, delivery and messenger services	TSF transfer between committees of the same candidate/sponsor
LEG legal defense	PRO professional services (legal, accounting)	VOT voter registration
LIT campaign literature and mailings	PRT print ads	WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
ELK GROVE VITAMIN 9647 E STOCKTON BLVD ELK GROVE, CA 95624	CMP	GIFT PACKS/CAMPAIGN PARAPHERNALIA	107.52

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

SUBTOTAL \$

Schedule E Summary

1. Itemized payments made this period. (Include all Schedule E subtotals.)	\$	<u>107.52</u>
2. Unitemized payments made this period of under \$100	\$	<u>634.37</u>
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).)	\$	<u> </u>
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.)	TOTAL \$	<u>741.89</u>

**Schedule F
Accrued Expenses (Unpaid Bills)**

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

Statement covers period from <u>1/1/15</u> through <u>6/30/15</u>	CALIFORNIA FORM 460
	Page <u>12</u> of <u>15</u>
I.D. NUMBER # 1377741	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

KATHERINE DURAN

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP campaign paraphernalia/misc.	MBR member communications	RAD radio airtime and production costs
CNS campaign consultants	MTG meetings and appearances	RFD returned contributions
CTB contribution (explain nonmonetary)*	OFC office expenses	SAL campaign workers' salaries
CVC civic donations	PET petition circulating	TEL t.v. or cable airtime and production costs
FIL candidate filing/ballot fees	PHO phone banks	TRC candidate travel, lodging, and meals
FND fundraising events	POL polling and survey research	TRS staff/spouse travel, lodging, and meals
IND independent expenditure supporting/opposing others (explain)*	POS postage, delivery and messenger services	TSF transfer between committees of the same candidate/sponsor
LEG legal defense	PRO professional services (legal, accounting)	VOT voter registration
LT campaign literature and mailings	PRT print ads	WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF CREDITOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR DESCRIPTION OF PAYMENT	(a) OUTSTANDING BALANCE BEGINNING OF THIS PERIOD	(b) AMOUNT INCURRED THIS PERIOD	(c) AMOUNT PAID THIS PERIOD (ALSO REPORT ON E)	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD
Sacramento Bee 2100 Q Street Sacramento, CA 95852	PRT (PRINT AD)		\$1,595.16		1595.16

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

SUBTOTALS \$ 1595.16 \$

Schedule F Summary

- Total accrued expenses incurred this period. (Include all Schedule F, Column (b) subtotals for accrued expenses of \$100 or more, plus total unitemized accrued expenses under \$100.) **INCURRED TOTALS \$ 1595.16**
- Total accrued expenses paid this period. (Include all Schedule F, Column (c) subtotals for payments on accrued expenses of \$100 or more, plus total unitemized payments on accrued expenses under \$100.) **PAID TOTALS \$**
- Net change this period. (**Subtract** Line 2 from Line 1. Enter the difference here and on the Summary Page, Column A, Line 9.) **NET \$ 1595.16**
May be a negative number

**Schedule G
Payments Made by an Agent or Independent
Contractor (on Behalf of This Committee)**

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

SCHEDULE G

Statement covers period from <u>1/1/15</u>	CALIFORNIA FORM 460
through <u>6/30/15</u>	
Page <u>13</u> of <u>15</u>	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

KATHERINE DURAN

I.D. NUMBER

1377741

NAME OF AGENT OR INDEPENDENT CONTRACTOR

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

- | | | |
|---|---|---|
| CMP campaign paraphernalia/misc. | MBR member communications | RAD radio airtime and production costs |
| CNS campaign consultants | MTG meetings and appearances | RFD returned contributions |
| CTB contribution (explain nonmonetary)* | OFC office expenses | SAL campaign workers' salaries |
| CVC civic donations | PET petition circulating | TEL t.v. or cable airtime and production costs |
| FIL candidate filing/ballot fees | PHO phone banks | TRC candidate travel, lodging, and meals |
| FND fundraising events | POL polling and survey research | TRS staff/spouse travel, lodging, and meals |
| IND independent expenditure supporting/opposing others (explain)* | POS postage, delivery and messenger services | TSF transfer between committees of the same candidate/sponsor |
| LEG legal defense | PRO professional services (legal, accounting) | VOT voter registration |
| LIT campaign literature and mailings | PRT print ads | WEB information technology costs (internet, e-mail) |

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

NAME AND ADDRESS OF PAYEE OR CREDITOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID

Attach additional information on appropriately labeled continuation sheets.

TOTAL* \$

* Do not transfer to any other schedule or to the Summary Page. This total may not equal the amount paid to the agent or independent contractor as reported on Schedule E.

**Schedule H
Loans Made to Others***

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

Statement covers period from <u>1/1/15</u> through <u>6/30/15</u>	CALIFORNIA FORM 460
	Page <u>14</u> of <u>15</u>

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

KATHERINE DURAN

I.D. NUMBER

1377741

FULL NAME, STREET ADDRESS AND ZIP CODE OF RECIPIENT (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT LOANED THIS PERIOD	(c) REPAYMENT OR FORGIVENESS THIS PERIOD*	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST RECEIVED	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE LOANS TO DATE
N/A		\$ _____	\$ _____		\$ _____ DATE DUE		\$ _____ DATE INCURRED	
N/A		\$ _____	\$ _____		\$ _____ DATE DUE		\$ _____ DATE INCURRED	
*Loans that are contributions to another candidate or committee must also be summarized on Schedule D. Loans forgiven must also be reported on Schedule E.		SUBTOTALS		\$ _____	\$ _____	\$ _____	\$ _____	

(Enter (e) on
Schedule I, Line 3)

Schedule H Summary

- Loans made this period \$ _____
(Total Column (b) plus unitemized loans of less than \$100.)
- Payments received on loans \$ _____
(Total Column (c) plus unitemized payments of less than \$100.)
- Net change this period. (**Subtract** Line 2 from Line 1.) **NET \$** _____
(Enter the net here and on the Summary Page, Column A, Line 7.) (May be a negative number)

****If Required**

**Schedule I
Miscellaneous Increases to Cash**

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

SCHEDULE I

Statement covers period from <u>1/1/15</u> through <u>6/30/15</u>	CALIFORNIA FORM 460
	Page <u>15</u> of <u>15</u>

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

KATHERINE DURAN

I.D. NUMBER

1377741

DATE RECEIVED	FULL NAME AND ADDRESS OF SOURCE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	DESCRIPTION OF RECEIPT	AMOUNT OF INCREASE TO CASH
	N/A		

Attach additional information on appropriately labeled continuation sheets.

SUBTOTAL \$

Schedule I Summary

- Itemized increases to cash this period. \$ _____
- Unitemized increases to cash of under \$100 this period. \$ _____
- Total of all interest received this period on loans made to others. (Schedule H, Column (e).) \$ _____
- Total miscellaneous increases to cash this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Line 14.) **TOTAL \$** _____

Exhibit A-14



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
ELECTIONS DIVISION

1500 11th Street, 5th Floor, Sacramento, CA 95814 | Tel 916.657.2166 | Fax 916.653.3214 | www.sos.ca.gov

January 4, 2016

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Katherine Duran
9900 Justamere Lane
Elk Grove, CA 95624

Dear Ms. Duran:

Pursuant to Elections Code sections 11104(b) and 9030(b), you are hereby notified that the total number of signatures to the petition for the recall of Senator Richard Pan filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

Sincerely,



Robbie Anderson
Elections Counsel

Exhibit A-15

R 34,
D

1377741

Statement of Organization Recipient Committee

Statement Type

Initial
Not yet qualified or

Amendment
List I.D. number;

Termination - See Part 5
List I.D. number:

1377741

_____/_____/_____
Date qualified as committee

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

1, 15, 16
Date of Termination

Date Stamp

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

CALIFORNIA FORM 410
For Official Use Only

FEB 17 2016

Hand Delivered, Sacramento

R

1. Committee Information

NAME OF COMMITTEE
RECALL PAN

STREET ADDRESS (NO P.O. BOX)
9900 JUSTAMERE LANE

CITY	STATE	ZIP CODE	AREA CODE/PHONE
ELK GROVE	CA	95624	(530)721-1662

MAILING ADDRESS (IF DIFFERENT)
P.O. BOX 1452 ELK GROVE, CA 95759

FAX / E-MAIL ADDRESS
KATHERINELDURAN@AOL.COM

COUNTY OF DOMICILE	JURISDICTION WHERE COMMITTEE IS ACTIVE
SACRAMENTO	STATE OF CALIFORNIA

2. Treasurer and Other Principal Officers

NAME OF TREASURER
KATHERINE DURAN

STREET ADDRESS (NO P.O. BOX)
9900 JUSTAMERE LANE

CITY	STATE	ZIP CODE	AREA CODE/PHONE
ELK GROVE	CA	95624	(530)721-1662

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

CITY	STATE	ZIP CODE	AREA CODE/PHONE

NAME OF PRINCIPAL OFFICER(S)
KATHERINE DURAN

STREET ADDRESS (NO P.O. BOX)
9900 JUSTAMERE LANE

CITY	STATE	ZIP CODE	AREA CODE/PHONE
ELK GROVE	CA	95324	(530)721-1662

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 information is true and correct.

Executed on 2/17/16 By *Katherine Duran*
DATE SIGNATURE OF TREASURER OR ASSISTANT TREASURER

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

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

Exhibit A-16

1 ANGELA BRERETON
Chief of Enforcement
2 THERESA GILBERTSON
Senior Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 323-6421
5 Email: tgilbertson@fppc.ca.gov

6 Attorneys for Complainant

7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9
10 STATE OF CALIFORNIA

11 In the Matter of

12
13 RECALL PAN and KATHERINE DURAN,

14
15 Respondents.

) FPPC No.: 2017/00925

)
) DECLARATION OF ROONE
PETERSEN

) (Gov. Code §§ 11506 and 11520)

16
17
18 I, Roone Petersen, declare as follows:

- 19 1. I am a Special Investigator employed by the Fair Political Practices Commission of the State of
20 California.
- 21 2. On January 15, 2020, I received, via voluntary request, documents from the Elections Division of
22 the Secretary of State, as follows:
- 23 a. Notice of Intention to Circulate Recall Petition, to the Honorable Senator Richard Pan
 - 24 b. The Sacramento Bee, Declaration of Publication, certifying that the Notice of Intention to
25 Circulate Recall Petition was published on June 6, 2015, signed and dated June 8, 2015
26 by Nia Diaz.
 - 27 c. Notice of Failed Petition, from the Office of the Secretary of State of the State of
28 California, signed and dated January 4, 2016 by Robbie Anderson, Elections Counsel.

- 1 3. On April 14, 2020, in response to a subpoena, I received bank records from Bank America for the
2 committee Recall Pan (herein the Committee) for the period covering 06/04/2015 to 06/30/2016.
3 According to those records, the Committee failed to report approximately \$7,763 in expenditures
4 and approximately \$6,680 in contributions. In addition, the records revealed that the Committee
5 bank account had a balance until May of 2016.
- 6 4. On April 17, 2020, I obtained, from the Secretary of State CARES Portal, the Form 460, Recipient
7 Committee Campaign Statement, Recall Pan, for the reporting period of January 1, 2015 through
8 June 30, 2015, signed and dated by Katherine Duran on July 31, 2015.
- 9 5. On April 27, 2020, I obtained, via voluntary request, all campaign statements filed by the
10 Committee from the Secretary of State, Political Reform Division. The following documents were
11 received:
- 12 a. Form 410, Statement of Organization, Received and Filed in the Office of the Secretary
13 of State of the State of California on June 3, 2015, signed and dated by Katherine Duran
14 on June 3, 2015.
 - 15 b. Form 410, Statement of Organization, Received and Filed in the Office of the Secretary
16 of State of the State of California, on July 3, 2015, signed and dated by Katherine Duran
17 on June 30, 2015.
 - 18 c. Form 410, Statement of Organization, Received and Filed in the Office of the Secretary
19 of State of the State of California on February 17, 2016, signed and dated by Katherine
20 Duran on February 17, 2016.

21
22
23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
24 true and correct.

25
26 Dated: 01/04/2021

Roone Petersen

Roone Petersen, Special Investigator
Fair Political Practices Commission

Exhibit A-17



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

November 30, 2020

Katherine Duran
20214 S Cedar Lane
Pine Grove, CA 95665

NOTICE OF DEFAULT DECISION AND ORDER

Re: FPPC No. 2017-00925 In the Matter of Recall Pan and Katherine Duran

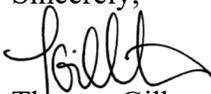
Dear Ms. Duran:

On August 27, 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 15, 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 20, 2021 and impose an administrative penalty of \$9,000 against you.

Following the issuance of the default, the Commission will obtain a judgment in superior court for the amount owed and then take action to collect the judgment. Please be advised that administrative penalties for violations of the Political Reform Act cannot be discharged in bankruptcy proceedings.

You may still resolve this matter informally by way of a stipulated settlement if an agreement can be reached prior to this matter appearing for consideration by the Commission. Any settlement will require that you file the outstanding campaign statements to fully report the activity of the committee. You can contact me at (916) 323-6421 or tgilbertson@fppc.ca.gov.

Sincerely,

Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

¹ Government Code section 11505.

Exhibit A-18



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

January 26, 2021

Katherine Duran
20214 S Cedar Lane
Pine Grove, CA 95665

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

Re: FPPC No. 2017-00925 In the Matter of Recall Pan and Katherine Duran

Dear Ms. Duran:

On August 27, 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 \$9,000 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.

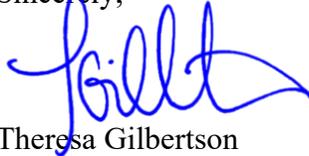
Following the issuance of the default order and imposition of the administrative penalty, we will commence legal proceedings to collect this fine, which may include converting the Commission’s order to a court judgment. Please be advised that administrative penalties for violations of the Political Reform 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) 323-6421 or tgilbertson@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,



Theresa Gilbertson
Senior Commission Counsel
Enforcement Division

Enclosures