

1 ANGELA J. BRERETON
Chief of Enforcement
2 ALEX ROSE
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 327-6358
5 Email: arose@fppc.ca.gov

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

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA

10
11 In the Matter of) FPPC No. 2018-00083
12)
13)
LAURA FRANCO-PEREZ,) DEFAULT DECISION AND ORDER
14)
15)
Respondent.) (Gov. Code Sections 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 Laura Franco-Perez (“Franco-Perez”)
21 has been served with all of the documents necessary to conduct an administrative hearing regarding the
22 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);
26

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


1 4. A Statement to Respondent; and

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

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

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

15
16 Dated: 8/8/2022



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

17
18
19
20 **ORDER**

21 The Commission issues this Default Decision and Order and imposes a total administrative
22 penalty of \$12,000 upon Franco-Perez, payable to the "General Fund of the State of California."

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

25
26 Dated: _____

Richard C. Miadich, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Laura Franco-Perez (“Franco-Perez”) was appointed as planning commissioner to the City of Sanger on July 27, 2017 and left the position on June 6, 2018.

The Political Reform Act (the “Act”)¹ requires designated officials who make or influence governmental decisions to file Statements of Economic Interests (“SEI”). This matter arose out of a non-filer referral sent to the Fair Political Practices Commission’s (the “Commission”) Enforcement Division by the filing officer for Franco-Perez’s failure to file an Assuming Office SEI, 2017 Annual SEI, and Leaving Office SEI.

As a planning commissioner, Franco-Perez had a duty to timely file an Assuming Office SEI by the August 26, 2017 due date, a 2017 Annual SEI by the April 2, 2018 due date, and a Leaving Office SEI by the June 6, 2018 due date.

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, compliance with a Commission regulation would result in a material violation of another department’s regulation affecting substantive rights.⁵

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.

⁵ Section 11506, subs. (a)(1)–(6).

The APA provides that a respondent's failure to file a Notice of Defense within 15 days after service of an accusation constitutes a waiver of the respondent's right to a hearing.⁶ Moreover, when a respondent fails to file a Notice of Defense, the Commission may take action based on the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to the respondent.⁷

PROCEDURAL REQUIREMENTS AND HISTORY

A. Initiation of the Administrative Action

The service of the probable cause hearing notice, as required by Section 83115.5, upon the person alleged to have violated starts the administrative action.⁸

A finding of probable cause may not be made by the Commission unless the person alleged to have violated the Act is 1) notified of the violation by service of process or registered mail with return receipt requested; 2) provided with a summary of the evidence; and 3) informed of his or her right to be present in person and represented by counsel at any proceeding of the Commission held for the purpose of considering whether probable cause exists for believing the person violated the Act.⁹ Additionally, the required notice to the alleged violator shall be deemed made on the date of service, the date the registered mail receipt is signed, or if the registered mail receipt is not signed, the date returned by the post office.¹⁰

No administrative action pursuant to Chapter 3 of the Act alleging a violation of any of the provisions of the Act may be commenced more than five years after the date on which the violation occurred.¹¹

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-13, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Franco-Perez in this matter by serving them with a Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by certified mail.¹² Franco-Perez was served with the Report on August 7, 2021. The proof of service, certified mail receipt, and delivery confirmation from the United States Postal Service are attached.

⁶ Section 11506, subd. (c).

⁷ Section 11520, subd. (a).

⁸ Section 91000.5, subd. (a).

⁹ Section 83115.5.

¹⁰ Section 83115.5.

¹¹ Section 91000.5.

¹² Section 83115.5.

(Certification, Exhibit A-2). The administrative action commenced on August 7, 2021, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on Franco-Perez contained a cover letter and a memorandum describing probable cause proceedings, advising that Franco-Perez 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.) Franco-Perez did not request a probable cause conference or submit a written response to the Report.

B. Ex Parte Request for a Finding of Probable Cause

Because Franco-Perez 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 October 12, 2021. (Certification, Exhibit A-4.)

On October 14, 2021, the Hearing Officer, Legal Division, Jack Woodside, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Franco-Perez. (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, subd. (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 January 11, 2022, the Commission's Chief of Enforcement, Angela Brereton, issued an Accusation against Franco-Perez. (Certification, Exhibit A-6.) In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form for each respondent, copies of Government Code Sections 11506, 11507.5, 11507.6, and 11507.7, were served upon Franco-Perez by substituted service on January 15, 2022. (Certification, Exhibit A-7.)

Along with the Accusation, the Enforcement Division served Franco-Perez with a "Statement to Respondent," which notified them that they could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, they would be deemed to have waived the right to a hearing. (Certification, Exhibit A-8.) Franco-Perez did not file a Notice of Defense within the statutory time period, which ended on January 30, 2022.

As a result, on May 20, 2022, the Enforcement Division sent a letter to Franco-Perez advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for August 18, 2022. (Certification, Exhibit A-9.)

On July 26, 2022, the Enforcement Division sent another letter to Franco-Perez advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for August 18, 2022. (Certification, Exhibit A-10.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

¹⁴ Section 11505, subd. (a).

¹⁵ Section 11505, subd. (b).

¹⁶ Section 11505, subd. (c).

SUMMARY OF THE LAW

An express purpose of the Act is to ensure that the assets and income of public officials that may be materially affected by their official actions be disclosed, so that conflicts of interests may be avoided.¹⁷ In furtherance of this purpose, the Act requires certain officials, including members of planning commissions, to disclose these interests.¹⁸

The Act requires specified elected officials to file SEIs that disclose reportable investments, business positions, interests in real property, and sources of income every year by the deadline of April 1.¹⁹ The Act also requires specified elected officials to file an SEI within thirty days of assuming office.²⁰ Furthermore, the Act requires specified elected officials to file an SEI within thirty days of leaving office.²¹ If an official leaves office prior to the deadline for filing an annual SEI, the official may file a single SEI covering both periods.²² Planning commissioners are required to file the original with their agency, which makes and retains a copy and forwards the original to the Commission, which serves as the filing officer.²³

SUMMARY OF THE EVIDENCE

Between July 27, 2017 and June 6, 2018, Franco-Perez served as a planning commissioner to the City of Sanger. Franco-Perez failed to timely file their Assuming Office SEI by the August 26, 2017 due date, a 2017 Annual SEI by the April 2, 2018 due date, and a Leaving Office SEI by the July 6, 2018.

The filing officer, the Commission's Statement of Economic Interest Unit, contacted Franco-Perez in writing on October 3, 2017 and November 6, 2017 to remind them of their Assuming Office SEI filing obligation. (Certification A-11.) The filing officer contacted Franco-Perez in writing on November 14, 2018 and January 31, 2019 to remind them of their Annual SEI filing obligation. (Certification A-12.) The filing officer contacted Franco-Perez in writing on November 1, 2018 and July 3, 2019 to remind them of their Leaving Office SEI filing obligation. (Certification A-13.) After not receiving compliance from Franco-Perez regarding their outstanding SEIs, the filing officer referred the matter to the Enforcement Division.

The filing officer contacted Franco-Perez twelve times between September 1, 2017 and August 12, 2019. Additionally, the Enforcement Division contacted Franco-Perez eleven times between February 16, 2018 and March 8, 2022. The Enforcement Division was never able to leave

¹⁷ Section 81002, subd. (c).

¹⁸ Section 87200.

¹⁹ Section 87203.

²⁰ Section 87202.

²¹ Section 87204.

²² Regulation 18723, subd. (d).

²³ Section 87500, subd. (g).

a voicemail due to Franco-Perez's phone number ringing indefinitely. Franco-Perez never replied to any of the Enforcement Division's contact attempts.

As of the date of this Report, Franco-Perez has not filed any SEIs in connection to their role as planning commission to the City of Sanger.

VIOLATIONS

Franco-Perez committed three violations of the Act as follows:

COUNT 1

Failure to Timely File an Assuming Office SEI

Franco-Perez had a duty to file an Assuming Office SEI by August 26, 2017. Franco-Perez failed to timely file their Assuming Office SEI by the August 26, 2017 due date, in violation of Government Code Section 87202.

COUNT 2

Failure to Timely File a 2017 Annual SEI

Franco-Perez had a duty to file a 2017 Annual SEI by April 2, 2018. Franco-Perez failed to timely file their 2017 Annual SEI by the April 2, 2018 due date, in violation of Government Code Section 87203.

COUNT 3

Failure to Timely File a Leaving Office SEI

Franco-Perez had a duty to file a Leaving Office SEI by June 6, 2018. Franco-Perez failed to timely file their Leaving Office SEI by the July 6, 2018 due date, in violation of Government Code Section 87204.

CONCLUSION

This matter consists of 3 counts of violating the Act, which carry a maximum total administrative penalty of \$15,000.²⁴

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act,

²⁴ Section 83116, subd. (c).

with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors set forth in Regulation 18361.5 subdivision (e)(1) through (8): (1) The extent and gravity of the public harm caused by the specific violation; (2) The level of experience of the violator with the requirements of the Political Reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence or absence of any intention to conceal, deceive, or mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and (8) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.²⁵

Here, the extent and gravity of the public harm caused by Franco-Perez's violations is more than minimal, but the FPPC cannot be certain because Franco-Perez did not file any of the missing SEIs. Failure to file assuming office, annual, and leaving office SEIs deprives the public of important information about a public official's economic interests which could lead to potential conflicts of interests regarding decisions they make in their official capacity. If Franco-Perez would have filed the missing SEIs, the Enforcement Division believes that the violations would likely have qualified for the Streamline Program.

Franco-Perez has failed to file the missing SEIs or consult with the Commission staff, despite repeated outreach attempts. Based on the repeated contact attempts, Franco-Perez should have been aware of her duties under the Act to timely file her SEIs and disclose all their reportable economic interests on each of their SEIs. It is unknown whether Franco-Perez intended to conceal, deceive, or mislead the FPPC and the public by failing to file the missing SEIs. Furthermore, the violations are at least negligent as Franco-Perez disregarded the numerous outreach attempts.

Franco-Perez's violations deprived the public of important and timely information regarding their economic interests, especially because they have not filed a single SEI to date, showing a pattern. Franco-Perez does not have a prior record of violations. The Enforcement Division also takes into consideration previous cases that were approved by the Commission in determining penalties. In this matter, the following case were used as a guideline:

- *In the Matter of Jennifer Allsup*, FPPC No. 16/20047. (Commission approved a default decision on October 15, 2020.) The Respondent, a Commissioner for the Modesto Entertainment Commission failed to file their 2014 Annual, 2015 Annual, and Leaving Office SEIs despite 19 contact attempts. There was no prior history of noncompliance and the Respondent was out of office at the time of the default. The commission imposed a penalty of \$4,000 per count, \$12,000 in total for these violations.

²⁵ Regulation 18361.5, subd. (e).

The Allsup case is similar to the present matter as Franco-Perez should have been aware of their obligation to file SEIs but has failed to file despite multiple requests for compliance from both the filing officer and the Enforcement Division. Furthermore, Franco-Perez is no longer in office and does not have a prior history of noncompliance. Therefore, a default penalty amount less than the maximum penalty amount is recommended.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$4,000 per count, for a total of \$12,000, 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 a 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. 18/083; Laura Franco-Perez*, 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 July 27, 2021

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated August 3, 2021, and accompanying certified mail receipt and USPS tracking

EXHIBIT A-3: Cover letter to the Respondents regarding the Report in Support of a Finding of Probable Cause, dated July 27 2021, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated October 12, 2021

EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated October 14, 2021

EXHIBIT A-6: Accusation, dated January 11, 2022

- EXHIBIT A-7: Proof of Service on January 15, 2022, for Accusation and accompanying documents from process server, dated January 19, 2022
- EXHIBIT A-8: Statement to Respondent, Notice of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated January 13, 2022
- EXHIBIT A-9: Notice of Assuming Office SEI Non-Filer, dated October 3, 2017 and November 6, 2017.
- EXHIBIT A-10: Notice of Annual SEI Non-Filer, dated November 14, 2018 and January 31, 2019.
- EXHIBIT A-11: Notice of Leaving Office SEI Non-Filer, dated November 1, 2018 and July 3, 2019.
- EXHIBIT A-12: Notice of Default Decision and Order, dated May 19, 2022
- EXHIBIT A-13: Notice of Intent to Enter Default Decision and Order, dated July 26, 2022

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 12, 2022, at Sacramento, California.



Shaina Elkin
Associate Governmental Program Analyst
Enforcement Division
Fair Political Practices Commission

Exhibit A-1

1 ANGELA J. BRERETON
Chief of Enforcement
2 ALEX ROSE
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 327-6358
5 Email: arose@fppc.ca.gov

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

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

11 In the Matter of) FPPC No. 18/83
12)
13) **REPORT IN SUPPORT OF A FINDING OF**
LAURA FRANCO-PEREZ) **PROBABLE CAUSE**
14)
15) Conference Date: TBA
Respondent.) Conference Time: TBA
16) Conference Location: Commission Offices
17) 1102 Q Street, Suite 3000
18) Sacramento, CA 95811
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

19 **INTRODUCTION**

20 Respondent, Laura Franco-Perez (“Franco-Perez”), was appointed as planning commissioner to
21 the City of Sanger on July 27, 2017 and left the position on June 6, 2018.

22 The Political Reform Act (the “Act”)¹ requires public officials, including planning
23 commissioners, to disclose their reportable economic interests on a Statement of Economic Interests
24 (“SEI”) at various times pursuant to the Commission’s regulations. Franco-Perez, a planning

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

1 commissioner, violated the Act by failing to timely file an Assuming Office SEI by the August 26, 2017
2 due date, a 2017 Annual SEI by the April 2, 2018 due date, and a Leaving Office SEI by the June 6, 2018
3 due date for their position as a planning commissioner to the City of Sanger.

4 **SUMMARY OF THE LAW**

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

9 Jurisdiction

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

20 Standard for Finding Probable Cause

21 For the hearing officer to make a finding of probable cause, it is only necessary that he or she be
22 presented with evidence that sufficiently supports a reasonable belief or strong suspicion that the Act has
23

24 ² Section 83111.

25 ³ Section 83116.

26 ⁴ Sections 83115.5 and 83116; Regulations 18361, subd. (b), and 18361.4.

27 ⁵ Regulation 18361.4, subd. (g).

28 ⁶ Section 83116; Regulation 18361.4, subd. (g).

1 been violated.⁷ Probable cause may only be found if the Respondents were notified of the violations at
2 least 21 days prior to the hearing officer’s consideration of the alleged violations.⁸

3 Contents of the Probable Cause Report

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

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

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

12 One central purpose of the Act is to increase transparency and decrease conflicts of interest in the
13 actions of public officials by requiring disclosure of their economic interests.¹² Another purpose of the
14 Act is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”¹³

15 Section 87200 Applicability and Annual Statements

16 Every person who holds an office specified in Section 87200, including planning commissioners,
17 shall, each year, file a statement disclosing their investments, their interests in real property and their
18 income during the period.¹⁴ The filing due date for the annual statements for a planning commissioner
19 shall be April 1.¹⁵

22 ⁷ Regulation 18361.4, subd. (a).

23 ⁸ Section 83115.5.

24 ⁹ Regulation 18361.4, subd. (b).

25 ¹⁰ Section 81001, subd. (h).

26 ¹¹ Section 81003.

27 ¹² Section 81002, subdivision (c).

28 ¹³ Section 81002, subd. (f).

¹⁴ Section 87203.

¹⁵ Regulation 18723, subd. (b)(3).

1 Assuming Office Statement of Economic Interest

2 Every person who is elected to an office specified in Section 87200 shall, within 30 days after
3 assuming the office, file a statement disclosing their investments and their interests in real property held
4 on the date of assuming office, and income received during the 12 months before assuming office.¹⁶

5 Leaving Office Statement of Economic Interest

6 Every person who leaves an office specified in Section 87200 shall, within thirty days after leaving
7 the office, file a statement disclosing their investments, their interests in real property, and their income
8 during the period since the previous statement filed under Sections 87202 or 87203. The statement shall
9 include any investments and interests in real property held at any time during the period covered by the
10 statement, whether or not they are still held at the time of filing.¹⁷

11 **SUMMARY OF THE EVIDENCE**

12 Between July 27, 2017 and June 6, 2018, Franco-Perez served as a planning commissioner to the
13 City of Sanger. Franco-Perez failed to timely file their Assuming Office SEI by the August 26, 2017 due
14 date, a 2017 annual SEI by the April 2, 2018 due date, and a leaving office SEI by the June 6, 2018.

15 The City of Sanger contacted Franco-Perez in writing three times between November 6, 2017 and
16 March 1, 2018 to remind them of their Assuming Office SEI filing obligation. After not receiving
17 compliance from Franco-Perez regarding their outstanding SEIs, the City of Sanger referred the matter to
18 the Enforcement Division.

19 The Enforcement Division contacted Franco-Perez in writing three times between October 3, 2017
20 and November 6, 2017, six times between February 6, 2018 and February 16, 2018, and five times between
21 September 19, 2019 and December 2, 2019. Additionally, the Enforcement Division called and emailed
22 Franco-Perez on June 15 and 16, 2021. Franco-Perez never replied to any of the Enforcement Division's
23 contact attempts.

24 As of the date of this Report, Franco-Perez has not filed any SEIs in connection to their role as
25 planning commission to the City of Sanger.

26 ¹⁶ Section 87202.

27 ¹⁷ Section 87204.

1 **VIOLATIONS**

2 Count 1: Failure to Timely File an Assuming Office SEI

3 Franco-Perez failed to timely file their Assuming Office SEI by the August 26, 2017 due date, in
4 violation of Government Code Section 87202.

5 Count 2: Failure to Timely File a 2017 Annual SEI

6 Franco-Perez failed to timely file their 2017 Annual SEI by the April 2, 2018 due date, in violation
7 of Government Code Section 87203.

8 Count 3: Failure to Timely File a Leaving Office SEI

9 Franco-Perez failed to timely file their Leaving Office SEI by the June 6, 2018 due date, in
10 violation of Government Code Section 87204.

11 **EXCULPATORY INFORMATION**

12 None currently known.

13 **CONCLUSION**

14 Probable cause exists to believe that Franco-Perez violated the Act as detailed above. The
15 Enforcement Division respectfully requests an order finding probable cause pursuant to Section 83115.5
16 and Regulation 18361.4.

17
18 Dated: July 27, 2021.

19 Respectfully Submitted,

20 **FAIR POLITICAL PRACTICES COMMISSION**

21 Angela J. Brereton
22 Chief of Enforcement

23 _____
24 By: Alex Rose
25 Commission Counsel
26 Enforcement Division

Exhibit A-2

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811. On August 3, 2021, I served the following document(s):

1. Letter dated July 27, 2021;
2. FPPC No. 18/83 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;
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings; and
6. Probable Cause Report Checklist

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.

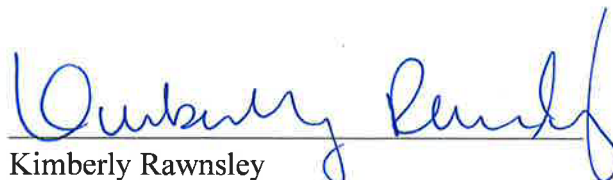
I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

SERVICE LIST

Certified Mail, Return Receipt Requested

Laura Franco-Perez


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 3, 2021.



Kimberly Rawnsley

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

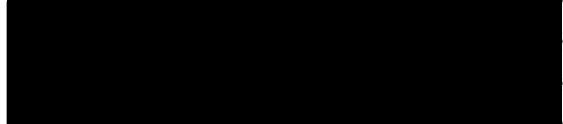
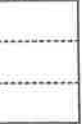
For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

7020 0640 0002 2861 7320
0261 T982 2000 0490 0201

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	\$
Total Postage and Fees	\$

Postmark
Here

	
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[Track Another Package +](#)

Tracking Number: 70200640000228617320

[Remove X](#)

Your item was delivered to an individual at the address at 8:46 am on August 7, 2021 in SANGER, CA 93657.

USPS Tracking Plus[®] Available [v](#)

 **Delivered, Left with Individual**

August 7, 2021 at 8:46 am
SANGER, CA 93657

Feedback

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Tracking History



USPS Tracking Plus[®]



Product Information



See Less [^](#)

Exhibit A-3



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

July 27, 2021

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Laura Franco-Perez
[REDACTED]

Sent via email to: [REDACTED]

In the Matter of Laura Franco-Perez; FPPC No. 18/83

Dear Respondent:

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) is proceeding with an administrative action against you, Laura Franco-Perez, for failing to timely file your Assuming Office Statement of Economic Interest (“SEI”), 2017 Annual SEI, and Leaving Office SEI in violation of the Political Reform Act (the “Act”). The enclosed Report in Support of a Finding of Probable Cause (the “Report”) contains a summary of the alleged violations and the relevant law and evidence.

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the Hearing Officer. In your response, please indicate whether you would like the Hearing Officer to make a determination of probable cause based on the written materials alone (the Report and your response) or request a conference, during which you may orally present your case to the Hearing Officer. Probable cause conferences are held in our office, which is located at 1102 Q Street, Ste. 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, or at CommAsst@fppc.ca.gov within 21 days from the date of service of this letter. You can also reach the Commission Assistant at (916) 327-8269.***

Please note that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. ***If you are interested in reaching a settlement in this matter, please contact me at (916)327-6358 or arose@fppc.ca.gov.***

Finally, you have the right to request certain records in the possession of the Enforcement Division. ***This request must also be filed with the Commission Assistant by mail at the address above or email at by email at CommAsst@fppc.ca.gov, within 21 days from the date of service of this letter.*** Should you request records, the Enforcement Division will provide such records by email or U.S. mail to all respondents, with a copy to the Commission Assistant. From the date you are served with the records, 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 will be 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,

Alex Rose

Alex Rose
Commission Counsel
Enforcement Division

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 a unique, informal proceeding, 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 evidence indicating a violation alleged in the report did not occur;
- b) The opportunity to request records, 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 written summary of the law and evidence that supports a finding of probable cause that each alleged violation of the Act has occurred, as well as a description of any exculpatory evidence indicating a violation alleged in the report did not occur. It is filed with the Hearing Officer.

Records

Within 21 calendar days following the service of the probable cause report, you may request all records in the possession of the Enforcement Division obtained for purposes of that investigation that are not readily available public records or otherwise in the possession of the requesting respondent. Records that are confidential, were received in response to an administrative subpoena, or otherwise contain protected information, will be withheld.

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

Response to Probable Cause Report

Within 21 calendar days following the service of the probable cause report or, within 21 calendar days from the service of the records, you may submit a response to the Report. By regulation, the written response should contain, "... a summary of law and evidence, that supports a finding that the probable cause report fails to establish probable cause that any or all of the alleged violations of the Act occurred."²

You must file your response with the Commission Assistant.

Staff Reply

Not later than 14 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 the alleged violator files with the Commission a written request that the proceeding be 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.

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. (d)(1).

The Hearing Officer will find probable cause to exist when the evidence sufficiently supports a reasonable belief or strong suspicion that the Act has been violated.³

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

Every reasonable effort is made to accommodate the schedules of parties and counsel (filling out the attached Probable Cause Checklist aides in this effort). The conference shall proceed no later than 75 days after receipt by the Commission Assistant of the filed request for a probable cause conference, or 75 days after the date records are sent, unless the assigned hearing officer extends the time for good cause based on an extension request filed by any party with the Commission Assistant.

Probable Cause Order and Accusation

If the Hearing Officer finds probable cause, he will issue a Finding of Probable Cause, which will be publicly announced which includes the posting of a summary of the allegations on the Commission's website. An Accusation will be issued soon after the Finding of Probable Cause is publicly announced.

Settlements

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

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. Under Sections 83115.5 and 83116, probable cause exists when the evidence sufficiently supports a reasonable belief or strong suspicion that the Act has been violated.

(b) Probable Cause Report. To commence probable cause proceedings pursuant to Sections 83115.5 and 83116, the Chief of Enforcement shall direct Enforcement Division staff to prepare a probable cause report that contains a written summary of the law and evidence that supports a finding of probable cause that each alleged violation of the Act has occurred, as well as a description of any exculpatory evidence indicating a violation alleged in the report did not occur. The probable cause report may include hearsay evidence, including declarations of investigators or others relating the statements of witnesses or concerning the examination of physical evidence.

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

- (1) A copy of the probable cause report;
- (2) Notification that each respondent has the right to respond in writing to the probable cause report and to request a probable cause conference at which the respondent may be present in person and represented by counsel, notification of all deadlines to file a written response, and request a probable cause conference;
- (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; and
- (4) A probable cause checklist form which includes information regarding a respondent's options for a probable cause conference, written response, and evidence, as well as the respondent(s) best contact information, available dates, and preferred method of service.

(d) Response to Probable Cause Report; Request for Probable Cause Conference; Waiver.

- (1) Not later than 21 calendar days following service of the probable cause report, or the date records were sent pursuant to (d)(3), a respondent may submit a written response to the probable cause report. The response should contain a summary of law and evidence that supports a finding that the probable cause report fails to establish probable cause that any or all of the alleged violations of the Act occurred. Any response shall be filed with the

Commission Assistant by electronic mail at CommAsst@fppc.ca.gov or U.S. mail, who will send a copy, to all parties named in the probable cause report within 2 business days.

(2)

(A) Not later than 21 calendar days following service of the probable cause report, or the date records were sent pursuant to subdivision (d)(3), any respondent may request a probable cause conference which shall be filed with the Commission Assistant by electronic mail at CommAsst@fppc.ca.gov or U.S. mail, who will provide a copy to all other parties named in the probable cause report and forward the request to the hearing officer assigned to the matter from the Legal Division within two business days. The Commission Assistant shall schedule the probable cause conference and if the probable cause checklist has not been returned, make efforts to obtain the information from the respondent(s).

(B) If a respondent requests a probable cause conference later than 21 days following service of the probable cause report or the date records were sent pursuant to subdivision (d)(3), the assigned hearing officer may grant the request based on good cause, including a showing by respondent that they did not timely receive the probable cause report after it was served, or some other circumstance reasonably justifying respondent's failure to timely request the hearing. However, no late request for a probable cause conference shall be granted if the assigned hearing officer has already issued an order for an Accusation to be served on the respondent.

(C) The conference shall proceed no later than 75 days after receipt by the Commission Assistant of the filed request for a probable cause conference, or 75 days after the date records are sent pursuant to subdivision (d)(3), unless the assigned hearing officer extends the time for good cause based on an extension request filed by any party with the Commission Assistant. If respondent requests a probable cause conference but the probable cause conference does not timely proceed, the Commission assistant shall set a probable cause conference to occur within 14 calendar days and provide notice of the conference to all parties. The hearing officer shall conduct the conference informally.

(3) Within 21 calendar days following the service of the probable cause report, a respondent may request by electronic mail at CommAsst@fppc.ca.gov or U.S. mail a copy of all records in the possession of the Enforcement Division obtained for purposes of that investigation that are not readily available public records or otherwise in the possession of the requesting respondent, except records that it claims are confidential, were received in response to an administrative subpoena, or otherwise contain protected information, as required in subdivision (d)(3)(B). For purposes of this subdivision, the term "readily available public records" includes any statements, reports or other records available to the public in electronic format on a government agency website.

(A) The Enforcement Division will provide copies of the requested records upon payment of a fee for direct costs of duplication or provide electronically without cost. The Enforcement Division shall provide such records by electronic mail or U.S. mail 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 the evidence is sent. The records produced by the Enforcement Division pursuant to this subdivision shall be considered the final production at the Probable Cause level and is not appealable.

(B) If requested by respondent, the Enforcement Division shall provide a description of records withheld, which shall include the following information:

- (i) the date of the record;
- (ii) the identity of the author(s);
- (iii) the identity of the recipient(s);
- (iv) the specific ground for which the objection to produce the record is made; and
- (v) the current location of the record.

(4) If a respondent fails to file a timely response, make a timely request for a probable cause conference, or appear for a probable cause conference, the respondent waives the right to further probable cause proceedings under Section 83115.5, and the Enforcement Division may transmit copies of the Probable Cause Report, Request for a Finding of Probable Cause, and Order that an Accusation be Prepared to the Commission Assistant requesting that a hearing officer from the Legal Division find probable cause based on the information provided. Upon a finding of probable cause, the hearing officer will issue an Order Finding Probable Cause and serve it on all parties.

(5) The hearing officer may extend any of the time limits in subdivision (d) if good causes exists.

(e) Rebuttal. Not later than 14 calendar days following the date the response was filed with the Commission Assistant, Enforcement Division staff may submit any evidence or argument in rebuttal to the response which shall be filed with the Commission Assistant by electronic mail at CommAsst@fppc.ca.gov who will provide a copy to all parties. These are the only briefings to be considered by the hearing officer when making the determination of probable cause.

(f) Probable Cause Conference. The conference shall be closed to the public unless a respondent requests, and all other respondents agree, to a public conference. If the conference is not public, then only the parties named in the probable cause report, their legal counsel or representative and Enforcement Division staff shall have the right to be present and participate. Any party may send a request to the Commission Assistant at least 7 days before the probable cause conference that the hearing officer allow witnesses to participate in the probable cause conference. The request shall identify each witness and summarize the subject of the witness's testimony, and be sent to all parties. The hearing officer, in making this determination, 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, then the conference may be conducted in whole or in part by telephone or videoconference. The Enforcement Division shall record the probable cause conference. The hearing officer may determine whether there is probable cause based solely on the probable cause report, any responses or rebuttals, evidence submitted, and any arguments presented at the probable cause conference by the parties. The hearing officer may, based on a showing of good cause, permit any party to submit additional evidence at or after the probable cause conference if the additional evidence is summarized at the probable cause conference. Only evidence that confirms or disproves a statement made at the probable cause conference may be submitted after the conference.

(g) Finding of Probable Cause. A finding of probable cause by the hearing officer does not

constitute a finding that a violation occurred. The hearing officer shall not make a finding of probable cause if presented with clear and convincing evidence that, at least 21 working days prior to the alleged violation, the respondent requested written advice from the Commission staff pursuant to Section 83114(b), disclosed truthfully all the material facts, and committed the acts complained of in reliance on formal advice of Commission staff or because of Commission staff's failure to provide advice. If the hearing officer makes a finding of probable cause, then 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.

§ 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.

PROBABLE CAUSE REPORT CHECKLIST

1. YOUR PROCEDURAL OPTIONS

- Request to have a Probable Cause Conference.
 - If you would like a conference, then no later than 21 calendar days following service of the Probable Cause Report, or the date records were sent, you may request a Probable Cause Conference with the Commission Assistant by email at CommAsst@fppc.ca.gov or U.S. mail at 1102 Q Street, Suite 3000, Sacramento, CA 95811.
 - You may appear on your own behalf or obtain counsel to represent you.
 - You may request to appear in-person, or remotely.
 - **PLEASE NOTE:** Failure to respond timely results in a waiver of your rights to further probable cause proceedings and the Enforcement Division may transmit copies of the Probable Cause Report, Request for a Finding of Probable Cause, and Order that an Accusation be Prepared to the Commission Assistant requesting that a hearing officer from the Legal Division find probable cause based on the information provided. Upon a finding of probable cause, the hearing officer will issue an Order Finding Probable Cause and serve it on all parties.
- Respond to the Probable Cause Report in Writing.
 - No later than 21 calendar days following service of the Probable Cause Report, or the date records were sent to you, you may submit a written response to the Probable Cause Report. The response should contain a summary of law and evidence that supports a finding that the Probable Cause Report fails to establish probable cause that any or all of the alleged violations of the Act occurred.
 - Any response needs to be filed with the Commission Assistant by email at CommAsst@fppc.ca.gov or U.S. mail at 1102 Q Street, Suite 3000, Sacramento, CA 95811.
 - Rebuttal. Not later than 14 calendar days following the date your response was filed with the Commission Assistant, Enforcement Division staff may submit a rebuttal to your response which shall be filed with the Commission Assistant, who will provide a copy to all parties.
- Request Records.
 - Within 21 calendar days following the service of the Probable Cause Report, you may request by email at CommAsst@fppc.ca.gov or U.S. mail, a copy of all records in the possession of the Enforcement Division obtained for purposes of the investigation that are not readily available public records or otherwise in your possession.
- Request Attendance of Witnesses.
 - Any party may send a request to the Commission Assistant, at least 7 days before the Probable Cause Conference, that the hearing officer allow witnesses to participate in the Probable Cause Conference.
 - The request shall identify each witness, summarize the subject of the witness's testimony, and be sent to all parties.

Fill out the below checklist and send a copy to the Commission Assistant by email at CommAsst@fppc.ca.gov or by mail to: 1102 Q Street, Suite 3000, Sacramento, CA 95811.

2. ABOUT YOU

- Name:
- Case Number:
- Enforcement Attorney handling this case:
- Preferred contact method (select one): Phone: Email: Other:
- Please provide the information below for contact:
 - Phone:
 - Email:
 - Other:

- List dates over the next 4 months in which you are unavailable for a Probable Cause Conference: _____
- Preferred service of documents method (select one): Mail: Email: Other:
- Please provide the information below for service:
 - Mail:
 - Email:
 - Other:

Please check all that apply:

- I request to have a Probable Cause Conference.
- I will be appearing (select one): In-person: Remote:
- I intend to submit a written response to the Probable Cause Report.
- I am requesting a copy of the records the Enforcement Division obtained for purposes of the investigation.
- I intend to have witnesses appear at the Probable Cause Conference. I will submit a request (separate from, and in addition to, this checklist) to the Commission Assistant at least 7 days before the Probable Cause Conference, that identifies each witness, summarizes the subject of the witness's testimony, and is sent to all parties.

Exhibit A-4



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

October 18, 2021

Laura Franco-Perez
[REDACTED]

Re: In the Matter of Laura Franco-Perez
FPPC Case No. 2018-00083

Dear Laura Franco-Perez:

Enclosed please find the following document: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served.

Please either refer to the materials previously sent to you regarding probable cause proceedings, or contact me at (916) 327-6358 or arose@fppc.ca.gov if you have any questions or concerns regarding this matter.

Sincerely,

Alex Rose

Alex Rose
Commission Counsel
Enforcement Division

1 ANGELA BRERETON
Chief of Enforcement
2 ALEX ROSE
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
Sacramento, CA 95811
4 Telephone: (916) 327-6358
5 Email: arose@fppc.ca.gov

6 Attorneys for Complainant

7 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

8 STATE OF CALIFORNIA

9
10 In the Matter of) FPPC No. 2018-00083
)
11 LAURA FRANCO-PEREZ,) EX PARTE REQUEST FOR A FINDING OF
) PROBABLE CAUSE AND AN ORDER THAT
12) AN ACCUSATION BE PREPARED AND
) SERVED
13 Respondent.)
) Gov. Code § 83115.5
14)
)

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

16 Pursuant to Section 83115.5 of the Political Reform Act (the “Act”)¹ and Regulation 18361.4,
17 Respondent Laura Franco-Perez (“Franco-Perez”) was served with a copy of a report in support of a
18 finding of probable cause (“PC Report”) in the above-entitled matter.² The PC Report, attached as “Exhibit
19 A,” was part of a packet of materials, including a cover letter and a memorandum describing probable
20 cause proceedings, which was sent to Franco-Perez on August 3, 2021 by certified mail, with return receipt
21 requested, and was delivered on August 7, 2021. A copy of the return receipt is attached as “Exhibit B.”
22
23

24
25 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.

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

1 In the cover letter dated July 27, 2021, and the attached materials, Franco-Perez was advised that
2 they could respond in writing to the PC Report and orally present the case to the Hearing Officer at a
3 probable cause conference to be held in Sacramento. Franco-Perez was further advised that in order to
4 have a probable cause conference they needed to make a written request for one within 21 days of the date
5 they received the PC Report, or the date requested records were sent by the Enforcement Division.
6 Additionally, Franco-Perez was advised that if they did not request a probable cause conference, such a
7 conference would not be held and probable cause would be determined based solely on the PC Report and
8 any written response submitted within 21 days of the date they were served with the PC Report, or the
9 date requested records were sent by the Enforcement Division. To date, Franco-Perez has not submitted a
10 written response or requested a probable cause conference.

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

14 Count 1: Failure to Timely File an Assuming Office SEI

15 Franco-Perez failed to timely file their Assuming Office SEI by the August 26, 2017 due date, in
16 violation of Government Code Section 87202.

17 Count 2: Failure to Timely File a 2017 Annual SEI

18 Franco-Perez failed to timely file their 2017 Annual SEI by the April 2, 2018 due date, in violation
19 of Government Code Section 87203.

20 Count 3: Failure to Timely File a Leaving Office SEI

21 Franco-Perez failed to timely file their Leaving Office SEI by the June 6, 2018 due date, in
22 violation of Government Code Section 87204.

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EXHIBIT A



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

July 27, 2021

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Laura Franco-Perez
[REDACTED]

Sent via email to: [REDACTED]

In the Matter of Laura Franco-Perez; FPPC No. 18/83

Dear Respondent:

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) is proceeding with an administrative action against you, Laura Franco-Perez, for failing to timely file your Assuming Office Statement of Economic Interest (“SEI”), 2017 Annual SEI, and Leaving Office SEI in violation of the Political Reform Act (the “Act”). The enclosed Report in Support of a Finding of Probable Cause (the “Report”) contains a summary of the alleged violations and the relevant law and evidence.

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the Hearing Officer. In your response, please indicate whether you would like the Hearing Officer to make a determination of probable cause based on the written materials alone (the Report and your response) or request a conference, during which you may orally present your case to the Hearing Officer. Probable cause conferences are held in our office, which is located at 1102 Q Street, Ste. 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, or at CommAsst@fppc.ca.gov within 21 days from the date of service of this letter. You can also reach the Commission Assistant at (916) 327-8269.***

Please note that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. ***If you are interested in reaching a settlement in this matter, please contact me at (916)327-6358 or arose@fppc.ca.gov.***

Finally, you have the right to request certain records in the possession of the Enforcement Division. ***This request must also be filed with the Commission Assistant by mail at the address above or email at by email at CommAsst@fppc.ca.gov, within 21 days from the date of service of this letter.*** Should you request records, the Enforcement Division will provide such records by email or U.S. mail to all respondents, with a copy to the Commission Assistant. From the date you are served with the records, 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 will be 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,

Alex Rose

Alex Rose
Commission Counsel
Enforcement Division

1 ANGELA J. BRERETON
Chief of Enforcement
2 ALEX ROSE
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 327-6358
5 Email: arose@fppc.ca.gov

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

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

11 In the Matter of) FPPC No. 18/83
12)
13) **REPORT IN SUPPORT OF A FINDING OF**
LAURA FRANCO-PEREZ) **PROBABLE CAUSE**
14)
15) Conference Date: TBA
Respondent.) Conference Time: TBA
16) Conference Location: Commission Offices
17) 1102 Q Street, Suite 3000
18) Sacramento, CA 95811
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INTRODUCTION

Respondent, Laura Franco-Perez (“Franco-Perez”), was appointed as planning commissioner to the City of Sanger on July 27, 2017 and left the position on June 6, 2018.

The Political Reform Act (the “Act”)¹ requires public officials, including planning commissioners, to disclose their reportable economic interests on a Statement of Economic Interests (“SEI”) at various times pursuant to the Commission’s regulations. Franco-Perez, a planning

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

1 commissioner, violated the Act by failing to timely file an Assuming Office SEI by the August 26, 2017
2 due date, a 2017 Annual SEI by the April 2, 2018 due date, and a Leaving Office SEI by the June 6, 2018
3 due date for their position as a planning commissioner to the City of Sanger.

4 **SUMMARY OF THE LAW**

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

9 Jurisdiction

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

20 Standard for Finding Probable Cause

21 For the hearing officer to make a finding of probable cause, it is only necessary that he or she be
22 presented with evidence that sufficiently supports a reasonable belief or strong suspicion that the Act has
23

24 ² Section 83111.

25 ³ Section 83116.

26 ⁴ Sections 83115.5 and 83116; Regulations 18361, subd. (b), and 18361.4.

27 ⁵ Regulation 18361.4, subd. (g).

28 ⁶ Section 83116; Regulation 18361.4, subd. (g).

1 been violated.⁷ Probable cause may only be found if the Respondents were notified of the violations at
2 least 21 days prior to the hearing officer’s consideration of the alleged violations.⁸

3 Contents of the Probable Cause Report

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

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

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

12 One central purpose of the Act is to increase transparency and decrease conflicts of interest in the
13 actions of public officials by requiring disclosure of their economic interests.¹² Another purpose of the
14 Act is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”¹³

15 Section 87200 Applicability and Annual Statements

16 Every person who holds an office specified in Section 87200, including planning commissioners,
17 shall, each year, file a statement disclosing their investments, their interests in real property and their
18 income during the period.¹⁴ The filing due date for the annual statements for a planning commissioner
19 shall be April 1.¹⁵

22 ⁷ Regulation 18361.4, subd. (a).

23 ⁸ Section 83115.5.

24 ⁹ Regulation 18361.4, subd. (b).

25 ¹⁰ Section 81001, subd. (h).

26 ¹¹ Section 81003.

27 ¹² Section 81002, subdivision (c).

28 ¹³ Section 81002, subd. (f).

¹⁴ Section 87203.

¹⁵ Regulation 18723, subd. (b)(3).

1 Assuming Office Statement of Economic Interest

2 Every person who is elected to an office specified in Section 87200 shall, within 30 days after
3 assuming the office, file a statement disclosing their investments and their interests in real property held
4 on the date of assuming office, and income received during the 12 months before assuming office.¹⁶

5 Leaving Office Statement of Economic Interest

6 Every person who leaves an office specified in Section 87200 shall, within thirty days after leaving
7 the office, file a statement disclosing their investments, their interests in real property, and their income
8 during the period since the previous statement filed under Sections 87202 or 87203. The statement shall
9 include any investments and interests in real property held at any time during the period covered by the
10 statement, whether or not they are still held at the time of filing.¹⁷

11 **SUMMARY OF THE EVIDENCE**

12 Between July 27, 2017 and June 6, 2018, Franco-Perez served as a planning commissioner to the
13 City of Sanger. Franco-Perez failed to timely file their Assuming Office SEI by the August 26, 2017 due
14 date, a 2017 annual SEI by the April 2, 2018 due date, and a leaving office SEI by the June 6, 2018.

15 The City of Sanger contacted Franco-Perez in writing three times between November 6, 2017 and
16 March 1, 2018 to remind them of their Assuming Office SEI filing obligation. After not receiving
17 compliance from Franco-Perez regarding their outstanding SEIs, the City of Sanger referred the matter to
18 the Enforcement Division.

19 The Enforcement Division contacted Franco-Perez in writing three times between October 3, 2017
20 and November 6, 2017, six times between February 6, 2018 and February 16, 2018, and five times between
21 September 19, 2019 and December 2, 2019. Additionally, the Enforcement Division called and emailed
22 Franco-Perez on June 15 and 16, 2021. Franco-Perez never replied to any of the Enforcement Division's
23 contact attempts.

24 As of the date of this Report, Franco-Perez has not filed any SEIs in connection to their role as
25 planning commission to the City of Sanger.

26 ¹⁶ Section 87202.

27 ¹⁷ Section 87204.

1 **VIOLATIONS**

2 Count 1: Failure to Timely File an Assuming Office SEI

3 Franco-Perez failed to timely file their Assuming Office SEI by the August 26, 2017 due date, in
4 violation of Government Code Section 87202.

5 Count 2: Failure to Timely File a 2017 Annual SEI

6 Franco-Perez failed to timely file their 2017 Annual SEI by the April 2, 2018 due date, in violation
7 of Government Code Section 87203.

8 Count 3: Failure to Timely File a Leaving Office SEI

9 Franco-Perez failed to timely file their Leaving Office SEI by the June 6, 2018 due date, in
10 violation of Government Code Section 87204.

11 **EXCULPATORY INFORMATION**

12 None currently known.

13 **CONCLUSION**

14 Probable cause exists to believe that Franco-Perez violated the Act as detailed above. The
15 Enforcement Division respectfully requests an order finding probable cause pursuant to Section 83115.5
16 and Regulation 18361.4.

17
18 Dated: July 27, 2021.

19 Respectfully Submitted,

20 **FAIR POLITICAL PRACTICES COMMISSION**

21 Angela J. Brereton
22 Chief of Enforcement

23 _____
24 By: Alex Rose
25 Commission Counsel
26 Enforcement Division

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 a unique, informal proceeding, 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 evidence indicating a violation alleged in the report did not occur;
- b) The opportunity to request records, 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 written summary of the law and evidence that supports a finding of probable cause that each alleged violation of the Act has occurred, as well as a description of any exculpatory evidence indicating a violation alleged in the report did not occur. It is filed with the Hearing Officer.

Records

Within 21 calendar days following the service of the probable cause report, you may request all records in the possession of the Enforcement Division obtained for purposes of that investigation that are not readily available public records or otherwise in the possession of the requesting respondent. Records that are confidential, were received in response to an administrative subpoena, or otherwise contain protected information, will be withheld.

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

Response to Probable Cause Report

Within 21 calendar days following the service of the probable cause report or, within 21 calendar days from the service of the records, you may submit a response to the Report. By regulation, the written response should contain, "... a summary of law and evidence, that supports a finding that the probable cause report fails to establish probable cause that any or all of the alleged violations of the Act occurred."²

You must file your response with the Commission Assistant.

Staff Reply

Not later than 14 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 the alleged violator files with the Commission a written request that the proceeding be 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.

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. (d)(1).

The Hearing Officer will find probable cause to exist when the evidence sufficiently supports a reasonable belief or strong suspicion that the Act has been violated.³

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

Every reasonable effort is made to accommodate the schedules of parties and counsel (filling out the attached Probable Cause Checklist aides in this effort). The conference shall proceed no later than 75 days after receipt by the Commission Assistant of the filed request for a probable cause conference, or 75 days after the date records are sent, unless the assigned hearing officer extends the time for good cause based on an extension request filed by any party with the Commission Assistant.

Probable Cause Order and Accusation

If the Hearing Officer finds probable cause, he will issue a Finding of Probable Cause, which will be publicly announced which includes the posting of a summary of the allegations on the Commission's website. An Accusation will be issued soon after the Finding of Probable Cause is publicly announced.

Settlements

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

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. Under Sections 83115.5 and 83116, probable cause exists when the evidence sufficiently supports a reasonable belief or strong suspicion that the Act has been violated.

(b) Probable Cause Report. To commence probable cause proceedings pursuant to Sections 83115.5 and 83116, the Chief of Enforcement shall direct Enforcement Division staff to prepare a probable cause report that contains a written summary of the law and evidence that supports a finding of probable cause that each alleged violation of the Act has occurred, as well as a description of any exculpatory evidence indicating a violation alleged in the report did not occur. The probable cause report may include hearsay evidence, including declarations of investigators or others relating the statements of witnesses or concerning the examination of physical evidence.

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

- (1) A copy of the probable cause report;
- (2) Notification that each respondent has the right to respond in writing to the probable cause report and to request a probable cause conference at which the respondent may be present in person and represented by counsel, notification of all deadlines to file a written response, and request a probable cause conference;
- (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; and
- (4) A probable cause checklist form which includes information regarding a respondent's options for a probable cause conference, written response, and evidence, as well as the respondent(s) best contact information, available dates, and preferred method of service.

(d) Response to Probable Cause Report; Request for Probable Cause Conference; Waiver.

- (1) Not later than 21 calendar days following service of the probable cause report, or the date records were sent pursuant to (d)(3), a respondent may submit a written response to the probable cause report. The response should contain a summary of law and evidence that supports a finding that the probable cause report fails to establish probable cause that any or all of the alleged violations of the Act occurred. Any response shall be filed with the

Commission Assistant by electronic mail at CommAsst@fppc.ca.gov or U.S. mail, who will send a copy, to all parties named in the probable cause report within 2 business days.

(2)

(A) Not later than 21 calendar days following service of the probable cause report, or the date records were sent pursuant to subdivision (d)(3), any respondent may request a probable cause conference which shall be filed with the Commission Assistant by electronic mail at CommAsst@fppc.ca.gov or U.S. mail, who will provide a copy to all other parties named in the probable cause report and forward the request to the hearing officer assigned to the matter from the Legal Division within two business days. The Commission Assistant shall schedule the probable cause conference and if the probable cause checklist has not been returned, make efforts to obtain the information from the respondent(s).

(B) If a respondent requests a probable cause conference later than 21 days following service of the probable cause report or the date records were sent pursuant to subdivision (d)(3), the assigned hearing officer may grant the request based on good cause, including a showing by respondent that they did not timely receive the probable cause report after it was served, or some other circumstance reasonably justifying respondent's failure to timely request the hearing. However, no late request for a probable cause conference shall be granted if the assigned hearing officer has already issued an order for an Accusation to be served on the respondent.

(C) The conference shall proceed no later than 75 days after receipt by the Commission Assistant of the filed request for a probable cause conference, or 75 days after the date records are sent pursuant to subdivision (d)(3), unless the assigned hearing officer extends the time for good cause based on an extension request filed by any party with the Commission Assistant. If respondent requests a probable cause conference but the probable cause conference does not timely proceed, the Commission assistant shall set a probable cause conference to occur within 14 calendar days and provide notice of the conference to all parties. The hearing officer shall conduct the conference informally.

(3) Within 21 calendar days following the service of the probable cause report, a respondent may request by electronic mail at CommAsst@fppc.ca.gov or U.S. mail a copy of all records in the possession of the Enforcement Division obtained for purposes of that investigation that are not readily available public records or otherwise in the possession of the requesting respondent, except records that it claims are confidential, were received in response to an administrative subpoena, or otherwise contain protected information, as required in subdivision (d)(3)(B). For purposes of this subdivision, the term "readily available public records" includes any statements, reports or other records available to the public in electronic format on a government agency website.

(A) The Enforcement Division will provide copies of the requested records upon payment of a fee for direct costs of duplication or provide electronically without cost. The Enforcement Division shall provide such records by electronic mail or U.S. mail 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 the evidence is sent. The records produced by the Enforcement Division pursuant to this subdivision shall be considered the final production at the Probable Cause level and is not appealable.

(B) If requested by respondent, the Enforcement Division shall provide a description of records withheld, which shall include the following information:

- (i) the date of the record;
- (ii) the identity of the author(s);
- (iii) the identity of the recipient(s);
- (iv) the specific ground for which the objection to produce the record is made; and
- (v) the current location of the record.

(4) If a respondent fails to file a timely response, make a timely request for a probable cause conference, or appear for a probable cause conference, the respondent waives the right to further probable cause proceedings under Section 83115.5, and the Enforcement Division may transmit copies of the Probable Cause Report, Request for a Finding of Probable Cause, and Order that an Accusation be Prepared to the Commission Assistant requesting that a hearing officer from the Legal Division find probable cause based on the information provided. Upon a finding of probable cause, the hearing officer will issue an Order Finding Probable Cause and serve it on all parties.

(5) The hearing officer may extend any of the time limits in subdivision (d) if good causes exists.

(e) Rebuttal. Not later than 14 calendar days following the date the response was filed with the Commission Assistant, Enforcement Division staff may submit any evidence or argument in rebuttal to the response which shall be filed with the Commission Assistant by electronic mail at CommAsst@fppc.ca.gov who will provide a copy to all parties. These are the only briefings to be considered by the hearing officer when making the determination of probable cause.

(f) Probable Cause Conference. The conference shall be closed to the public unless a respondent requests, and all other respondents agree, to a public conference. If the conference is not public, then only the parties named in the probable cause report, their legal counsel or representative and Enforcement Division staff shall have the right to be present and participate. Any party may send a request to the Commission Assistant at least 7 days before the probable cause conference that the hearing officer allow witnesses to participate in the probable cause conference. The request shall identify each witness and summarize the subject of the witness's testimony, and be sent to all parties. The hearing officer, in making this determination, 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, then the conference may be conducted in whole or in part by telephone or videoconference. The Enforcement Division shall record the probable cause conference. The hearing officer may determine whether there is probable cause based solely on the probable cause report, any responses or rebuttals, evidence submitted, and any arguments presented at the probable cause conference by the parties. The hearing officer may, based on a showing of good cause, permit any party to submit additional evidence at or after the probable cause conference if the additional evidence is summarized at the probable cause conference. Only evidence that confirms or disproves a statement made at the probable cause conference may be submitted after the conference.

(g) Finding of Probable Cause. A finding of probable cause by the hearing officer does not

constitute a finding that a violation occurred. The hearing officer shall not make a finding of probable cause if presented with clear and convincing evidence that, at least 21 working days prior to the alleged violation, the respondent requested written advice from the Commission staff pursuant to Section 83114(b), disclosed truthfully all the material facts, and committed the acts complained of in reliance on formal advice of Commission staff or because of Commission staff's failure to provide advice. If the hearing officer makes a finding of probable cause, then 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.

§ 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.

PROBABLE CAUSE REPORT CHECKLIST

1. YOUR PROCEDURAL OPTIONS

- Request to have a Probable Cause Conference.
 - If you would like a conference, then no later than 21 calendar days following service of the Probable Cause Report, or the date records were sent, you may request a Probable Cause Conference with the Commission Assistant by email at CommAsst@fppc.ca.gov or U.S. mail at 1102 Q Street, Suite 3000, Sacramento, CA 95811.
 - You may appear on your own behalf or obtain counsel to represent you.
 - You may request to appear in-person, or remotely.
 - **PLEASE NOTE:** Failure to respond timely results in a waiver of your rights to further probable cause proceedings and the Enforcement Division may transmit copies of the Probable Cause Report, Request for a Finding of Probable Cause, and Order that an Accusation be Prepared to the Commission Assistant requesting that a hearing officer from the Legal Division find probable cause based on the information provided. Upon a finding of probable cause, the hearing officer will issue an Order Finding Probable Cause and serve it on all parties.
- Respond to the Probable Cause Report in Writing.
 - No later than 21 calendar days following service of the Probable Cause Report, or the date records were sent to you, you may submit a written response to the Probable Cause Report. The response should contain a summary of law and evidence that supports a finding that the Probable Cause Report fails to establish probable cause that any or all of the alleged violations of the Act occurred.
 - Any response needs to be filed with the Commission Assistant by email at CommAsst@fppc.ca.gov or U.S. mail at 1102 Q Street, Suite 3000, Sacramento, CA 95811.
 - Rebuttal. Not later than 14 calendar days following the date your response was filed with the Commission Assistant, Enforcement Division staff may submit a rebuttal to your response which shall be filed with the Commission Assistant, who will provide a copy to all parties.
- Request Records.
 - Within 21 calendar days following the service of the Probable Cause Report, you may request by email at CommAsst@fppc.ca.gov or U.S. mail, a copy of all records in the possession of the Enforcement Division obtained for purposes of the investigation that are not readily available public records or otherwise in your possession.
- Request Attendance of Witnesses.
 - Any party may send a request to the Commission Assistant, at least 7 days before the Probable Cause Conference, that the hearing officer allow witnesses to participate in the Probable Cause Conference.
 - The request shall identify each witness, summarize the subject of the witness's testimony, and be sent to all parties.

Fill out the below checklist and send a copy to the Commission Assistant by email at CommAsst@fppc.ca.gov or by mail to: 1102 Q Street, Suite 3000, Sacramento, CA 95811.

2. ABOUT YOU

- Name:
- Case Number:
- Enforcement Attorney handling this case:
- Preferred contact method (select one): Phone: Email: Other:
- Please provide the information below for contact:
 - Phone:
 - Email:
 - Other:

- List dates over the next 4 months in which you are unavailable for a Probable Cause Conference: _____
- Preferred service of documents method (select one): Mail: Email: Other:
- Please provide the information below for service:
 - Mail:
 - Email:
 - Other:

Please check all that apply:

- I request to have a Probable Cause Conference.
- I will be appearing (select one): In-person: Remote:
- I intend to submit a written response to the Probable Cause Report.
- I am requesting a copy of the records the Enforcement Division obtained for purposes of the investigation.
- I intend to have witnesses appear at the Probable Cause Conference. I will submit a request (separate from, and in addition to, this checklist) to the Commission Assistant at least 7 days before the Probable Cause Conference, that identifies each witness, summarizes the subject of the witness's testimony, and is sent to all parties.

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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, California 95811. On August 3, 2021, I served the following document(s):

1. Letter dated July 27, 2021;
2. FPPC No. 18/83 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;
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings; and
6. Probable Cause Report Checklist

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.

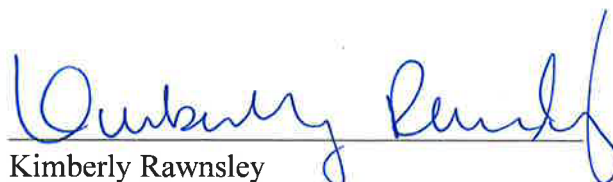
I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

SERVICE LIST

Certified Mail, Return Receipt Requested

Laura Franco-Perez


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 3, 2021.



Kimberly Rawnsley

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

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

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	\$
Total Postage and Fees	\$

Postmark
Here

7020 0640 0002 2861 7320

Exhibit A-5

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3
4 In the Matter of) FPPC No. 2018-00083
5 LAURA FRANCO-PEREZ,)
6 Respondent.) FINDING OF PROBABLE CAUSE AND
7) ORDER TO PREPARE AND SERVE AN
8) ACCUSATION
9) Gov. Code § 83115.5
10)
11)

12 By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation
13 Be Prepared and Served, dated October 12, 2021, the Enforcement Division submitted the above-entitled
14 matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request
15 for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served (“Ex Parte
16 Request”), the Enforcement Division served a Report in Support of a Finding of Probable Cause (“PC
17 Report”) on Respondent Laura Franco-Perez (“Franco-Perez”) on August 3, 2021 by certified mail, return
18 receipt requested. Accompanying the PC Report was a packet of materials that informed Respondent of
19 their right to file a written response to the PC Report and to request a probable cause conference within
20 21 days following service of the PC Report, or transmittal of any requested records by the Enforcement
21 Division. During the 21 days that followed service of the PC Report, Respondent did not file a response
22 to the PC Report, request records, or request a probable cause conference. Pursuant to California Code of
23 Regulations title 2, section 18361.4,¹ determination of probable cause may be made solely on papers
24 submitted when the respondent does not request a probable cause conference.

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

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

1 Probable cause to believe a violation has occurred can be found to exist when “the evidence
2 sufficiently supports a reasonable belief or strong suspicion that the Act has been violated.”²

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

5 Count 1: Failure to Timely File an Assuming Office SEI

6 Franco-Perez failed to timely file their Assuming Office SEI by the August 26, 2017 due date, in
7 violation of Government Code Section 87202.

8 Count 2: Failure to Timely File a 2017 Annual SEI

9 Franco-Perez failed to timely file their 2017 Annual SEI by the April 2, 2018 due date, in violation
10 of Government Code Section 87203.

11 Count 3: Failure to Timely File a Leaving Office SEI

12 Franco-Perez failed to timely file their Leaving Office SEI by the June 6, 2018 due date, in
13 violation of Government Code Section 87204.

14 Based on the Ex Parte Request given to me, I find that notice has been given to Franco-Perez and
15 the Committee.³

16 I further find, based on the PC Report and the Ex Parte Request, that there is probable cause to
17 believe that Franco-Perez violated the Political Reform Act as alleged in Counts 1 through 3, as identified
18 above.

19 I therefore direct that the Enforcement Division issue an accusation against Franco-Perez in
20 accordance with this finding.

21 IT IS SO ORDERED.

22
23 Dated: 10-14-21

Jack Woodside

24
25 Hearing Officer
Fair Political Practices Commission

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

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

FPPC No. 2018-00083, In the matter of Laura Franco-Perez

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

Laura Franco-Perez


(By Personal Service) On Friday, October 15, 2021, at approximately 10: a.m., I personally served:

Alex Rose, 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 October 15, 2021.



Sasha Linker

Exhibit A-6

1 ANGELA J. BRERETON
Chief of Enforcement
2 ALEX ROSE
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q St, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 327-6358
5 Email: arose@fppc.ca.gov

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

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

11 In the Matter of:) FPPC No. 18/83
12)
13 LAURA FRANCO-PEREZ,) **ACCUSATION**
14)
15 Respondent.) (Gov. Code §11503)
16)
17)

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

20 **JURISDICTION**

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

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

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

4 4. To that end, Section 81003 requires that the Act be liberally construed to achieve its
5 purposes.

6 5. One of the stated purposes of the Act is to ensure that the assets and income of public
7 officials that may be materially affected by their official actions be disclosed so that conflicts of interest
8 may be avoided.³ In furtherance of this purpose, the Act requires members of planning commissions to
9 periodically disclose their economic interests.⁴ Another purpose is to provide adequate enforcement
10 mechanisms so that the Act will be “vigorously enforced.”⁵

11 **RESPONDENTS**

12 6. Respondent, Laura Franco-Perez (“Franco-Perez”), was appointed as planning
13 commissioner to the City of Sanger on July 27, 2017 and left the position on June 6, 2018.

14 **APPLICABLE LAW**

15 7. All applicable law in this Accusation is the law as it existed during the relevant time for
16 the violations alleged.

17 **A. Duty to File an Assuming Office Statement of Economic Interests**

18 8. Specific public officials, including planning commissioners, are required to file an
19 Assuming Office statement of economic interests (“SEI”) within thirty days after assuming the office.⁶
20 The Assuming Office SEI discloses a planning commissioner’s investments, interests in real property, and
21 income for the period beginning twelve months prior to the date the person assumed office.⁷

22
23
24
25 ¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. The regulations of the
Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of
Regulations.

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

27 ³ Sections 81002, subd. (c).

28 ⁴ Section 87200 and 87204..

⁵ Section 81002, subd. (f).

⁶ Section 87202.

⁷ Section 87202, subd. (a).

1 **B. Duty to File Annual Statement of Economic Interests**

2 9. Specific public officials, including planning commissioners, are required to file an
3 Annual SEI.⁸ The Annual SEI discloses a planning commissioner’s investments, interests in real
4 property, and income during the previous year.⁹ The Annual SEI is due by April 1 of each year.¹⁰

5 **C. Duty to File a Leaving Office Statement of Economic Interests**

6 10. Specific public officials, including planning commissioners, are required to file a Leaving
7 Office SEI within 30 days of leaving office.¹¹ A Leaving Office SEI discloses investments, interests in
8 real property, and income since the reporting period covered by the previous SEI.¹²

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

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

23
24 **GENERAL FACTS**

25
26 ⁸ Sections 87200 and 87203.

27 ⁹ Section 87203.

28 ¹⁰ Section 87200 and Regulation 18723, subdivisions (a) and (b)(2).

¹¹ Section 87204.

¹² Section 87204.

¹³ Regulation 18361.5, subdivision (e).

1 12. Franco-Perez was appointed to the City of Sanger Planning Commission on July 27,
2 2017.

3 13. As a planning commissioner, Franco-Perez was required to file an Assuming Office SEI
4 by August 26, 2017, an Annual SEI by April 2, 2018, and a Leaving Office SEI by June 6, 2018.

5 14. The City of Sanger contacted Franco-Perez in writing three times between November 6,
6 2017 and March 1, 2018 to remind them of their Assuming Office SEI filing obligation. After not
7 receiving compliance from Franco-Perez regarding their outstanding SEI, the City of Sanger referred the
8 matter to the Enforcement Division.

9 15. The Enforcement Division contacted Franco-Perez in writing three times between
10 October 3, 2017 and November 6, 2017, six times between February 6, 2018 and February 16, 2018, and
11 five times between September 19, 2019 and December 2, 2019. Additionally, the Enforcement Division
12 called and emailed Franco-Perez on June 15 and 16, 2021. Franco-Perez never replied to any of the
13 Enforcement Division's contact attempts.

14 16. Franco-Perez did not file an Assuming Office SEI by the deadline of August 26, 2017.

15 17. Franco-Perez did not file a 2017 Annual SEI by the deadline of April 2, 2018.

16 18. Franco-Perez did not file a Leaving Office SEI by the deadline of June 6, 2018.

17 19. Franco-Perez has not filed any SEIs as of the issuance of this accusation.

18 **PROCEDURAL HISTORY**

19 20. The Enforcement Division initiated an administrative action against Franco-Perez in this
20 matter by serving a packet containing a cover letter, a Report in Support of a Finding of Probable Cause
21 ("PC Report"), a fact sheet regarding probable cause proceedings, selected sections of the Government
22 Code regarding probable cause proceedings for the Commission, and selected regulations of the
23 Commission regarding probable cause proceedings.

24 21. Franco-Perez was served with the PC Report via certified mail on or about August 7, 2021.
25 The information contained in the PC Report packet advised Franco-Perez that they had 21 days in which
26 to request a probable cause conference, file a written response to the PC Report, or both. During the 21
27 days that followed service of the PC Report, Franco-Perez did not file a response to the PC Report or
28 request a probable cause conference.

- 1 4. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
2 order Franco-Perez to pay a monetary penalty of up to \$5,000 for the violation of the
3 Political Reform Act alleged in **Count 3**;
- 4 5. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision
5 (e), consider the following factors in framing a proposed order following a finding of a
6 violation pursuant to Section 83116: (1) The extent and gravity of the public harm caused
7 by the specific violation; (2) The level of experience of the violator with the requirements
8 of the Political Reform Act; (3) Penalties previously imposed by the Commission in
9 comparable cases; (4) The presence or absence of any intention to conceal, deceive or
10 mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the
11 violator demonstrated good faith by consulting the Commission staff or any other
12 governmental agency in a manner not constituting complete defense under Government
13 Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern and
14 whether the violator has a prior record of violations of the Political Reform Act or similar
15 laws; and (8) Whether the violator, upon learning of a reporting violation, voluntarily filed
16 amendments to provide full disclosure.
- 17 6. That the Fair Political Practices Commission grant such other and further relief as it deems
18 just and proper.

19
20 Dated: 01/11/2022



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

Exhibit A-7

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address)</i> FAIR POLITICAL PRACTICES COMMISSION 1102 Q STREET, SUITE 3000 SACRAMENTO, CA 95811 TELEPHONE NO.: (916) 322-8185 FAX NO. E-MAIL ADDRESS <i>(Optional)</i> : ATTORNEY FOR <i>(Name)</i> ::			FOR COURT USE ONLY	
None STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: , CA BRANCH NAME:				
PLAINTIFF: IN THE MATTER OF DEFENDANT: LAURA FRANCO-PEREZ			CASE NUMBER: FPPC NO. 18/83	
PROOF OF SERVICE	Hearing Date:	Time:	Dept/Div:	Ref. No. or File No.:

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION. **BYP FAX ****
I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

ACCUSATION, STATEMENT TO RESPONDENT, NOTICE OF DEFENSE, CONSENT TO ELECTRONIC SERVICE, CALIFORNIA GOVERNMENT CODE SECTIONS 11506 THROUGH 11508, PROOF OF SERVICE

PARTY SERVED: **LAURA FRANCO-PEREZ**

BY LEAVING WITH: **AARON PEREZ - SON**

DATE & TIME OF DELIVERY: **1/15/2022**
5:25 PM

ADDRESS, CITY, AND STATE: [REDACTED]

PHYSICAL DESCRIPTION: **Age: 36** **Weight: 180** **Hair: BLACK**
Sex: Male **Height: 5'8"** **Eyes: BROWN**
Skin: HISPANIC **Marks:**

MANNER OF SERVICE:

Substituted Service - By leaving the copies with or in the presence of AARON PEREZ a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person served. I informed him/her of the general nature of the papers. A declaration of diligence is attached. I thereafter mailed the copies to the person served, addressed as shown in above address, by first-class mail, postage prepaid, on from .

Fee for Service: \$ 49.00
 County: FRESNO
 Registration No.: S201610000016
 Dynamic Legal Services
 PO Box 1629
 Fresno, CA 93717
 (559) 266-2722

I declare under penalty of perjury under the laws of the The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on January 19, 2022.

Signature: 
JOE LOUIE HERRERA

PROOF OF SERVICE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) FAIR POLITICAL PRACTICES COMMISSION 1102 Q STREET, SUITE 3000 SACRAMENTO, CA 95811 TELEPHONE NO.: (916) 322-8185 FAX NO. E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name)::	FOR COURT USE ONLY
None STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: , CA BRANCH NAME:	
PLAINTIFF/PETITIONER: IN THE MATTER OF DEFENDANT/RESPONDENT: LAURA FRANCO-PEREZ	CASE NUMBER: FPPC NO. 18/83
DECLARATION OF DILIGENCE	Ref. No. or File No.:

I, JOE LOUIE HERRERA , declare: I am a Registered Process Server and was retained to serve process in the above-referenced matter on the following person or entity: LAURA FRANCO-PEREZ as follows:

Documents:

ACCUSATION, STATEMENT TO RESPONDENT, NOTICE OF DEFENSE, CONSENT TO ELECTRONIC SERVICE, CALIFORNIA GOVERNMENT CODE SECTIONS 11506 THROUGH 11508, PROOF OF SERVICE;

I attempted personal service on the following dates and times with the following results:

Date	Time	Location	Results
1/13/2022	6:45 PM	Home	NO ANSWER AT THE DOOR AT THIS TIME.. - JOE LOUIE HERRERA [REDACTED]
1/14/2022	12:50 PM	Home	NO ANSWER AT THE DOOR AT THIS TIME.. - JOE LOUIE HERRERA [REDACTED]
1/15/2022	5:25 PM	Home	SUBJECT WAS NOT AVAILABLE. SUBSERVED DOCUMENTS TO AARON PEREZ, SON. - JOE LOUIE HERRERA [REDACTED]
1/15/2022	5:25 PM	Home	Substituted service on: LAURA FRANCO-PEREZ; [REDACTED] [REDACTED] by serving: AARON PEREZ - SON, HISPANIC Male 36 180 BLACK 5'8" BROWN.

Fee for Service: **\$ 49.00**

County: **FRESNO**

Registration No.: **S201610000016**

Dynamic Legal Services

PO Box 1629

Fresno, CA 93717

(559) 266-2722

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 19, 2022.



Signature: _____

JOE LOUIE HERRERA

AFFIDAVIT OF REASONABLE DILIGENCE

Order#: **Order#312343**

Exhibit A-8



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

Laura Franco-Perez

FPPC Case No. 18/83

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 Alex Rose, Commission Counsel, Enforcement Division, at (916) 327-6358 or at arose@fppc.ca.gov.

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 (e)):

1. The extent and gravity of the public harm caused by the specific violation;
2. The level of experience of the violator with the requirements of the Political Reform Act;
3. Penalties previously imposed by the Commission in comparable cases;
4. The presence or absence of any intention to conceal, deceive or mislead;
5. Whether the violation was deliberate, negligent or inadvertent;
6. Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code Section 83114(b);
7. Whether the violation was isolated or part of a pattern and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and
8. Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.



Before the Fair Political Practices Commission

State of California

In the Matter of)
) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
 LAURA FRANCO-PEREZ,)
) FPPC Case No. 2018-00083
)
)
 Respondent.)
)
)
)
)
)

Laura Franco-Perez, a respondent named in the above entitled proceeding, 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.

By law, this *NOTICE OF DEFENSE*, must be in writing and include your mailing address.

You may include your email address and telephone number and indicate if you agree to service by electronic means. If you wish to receive service through electronic means, you must complete and sign the Consent to Electronic Service Agreement (OAH 44). (Enclosed)

See information regarding the Office of Administrative Hearings Secure eFile Transfer (SFT) system at <https://www.dgs.ca.gov/OAH/Services/Page-Content/Office-of-Administrative-Hearings-Services-List-Folder/OAH-Secure-e-File-Information>

GROUNDNS 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

Email address

Phone number

- By checking this box, I agree to accept service using the OAH e-File Transfer System. I have enclosed the Consent to Electronic Service Agreement (OAH 44).

OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF CALIFORNIA

Consent to Electronic Service (E-Service or “SFT”) Agreement

Attention: In an effort to expedite the service of documents, the Office of Administrative Hearings (OAH) allows parties to receive documents electronically. By completing this form, you are agreeing to receive your documents from OAH by Secure e-File (SFT). You may access the OAH secure e-File system at <https://www.applications.dgs.ca.gov/oah/oahsftweb> to register for an account, if you have not done so already.

Instructions

1. Complete the form.
2. Requestor information. Enter the firm/agency name, requestor's name, telephone number and the program(s) to which this form will apply.
3. Method of Service. Select the method of service and complete the contact information as applicable. Remove previous names.
4. Terms and Conditions. Read the terms and conditions. Select a condition in which this form will apply. Complete the signature authorizing service of process.

5. Submit the completed form using the Office of Administrative Hearings Secure File Transfer System at: <https://www.applications.dgs.ca.gov/oah/oahsftweb>.

One agreement must be submitted per person, per LEA, or per Governmental Agency or Law Firm, as applicable.

OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF CALIFORNIA

Consent to Electronic Service (E-Service or "SFT") Agreement

Requestor Information

Full Name of Firm/Agency Requesting

Full Name of Person Requesting

Telephone Number

Please identify the program(s) to which this applies

Method of Service (Select ONE option)

The Office of Administrative Hearings will serve your documents according to the option indicated below.

Complete the information for the desired service option selected below.

Option #1 Secure e-File (SFT) Only

Option #2 U.S. Mail + Secure e-File (SFT)

Requestor's Email Address

Additional Email Addresses for Copies

Mailing Address (if mail option selected)

Remove the following additional email address(es) related to the attorney named above

Do not remove any names already in place

Terms and Conditions (Select ONE option)

By signing this form, you acknowledge and agree to receive documents from OAH according to the option selected above until notified otherwise. In the event that your contact information should change it is your responsibility to notify OAH.

I agree to accept service of documents from OAH by the option selected above for ALL current and future cases with OAH.

I no longer wish to participate in electronic service. Please cancel my previous agreement.

Requestor's Signature

By checking this box and typing my name below, I am electronically signing this agreement.

Date

Title of person making this request

For multiple requestors, you may attach an additional sheet containing a list of each requestor's contact information and additional email address(es) to be applied to each requestor.

For E-filing <https://www.applications.dgs.ca.gov/oah/oahsftweb>

OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF CALIFORNIA

Privacy Notice

This notice is provided pursuant to the Information Practices Act of 1977 (Civil Code, Section 1798 et seq.).

All information and records submitted to OAH may be subject to disclosure in accordance with the California Public Records Act (Government Code, Section 6250 et seq.), and other applicable authority unless expressly prohibited by law. Proceedings before OAH and records held by OAH are public unless otherwise provided by statute (Government Code, Section 11425.20). For example, the Family Educational Rights and Privacy Act (FERPA 20 United States Code Section 1232(g)) recognizes privacy rights to educational records in certain limited circumstances. It is the obligation of the parties to determine if case filings or proceedings require privacy protections. OAH cannot provide legal advice.

The Information Practices Act requires OAH to provide notice to individuals who submit personal information to OAH.

- 1) This notice does not apply to information provided by an agency or to routine contact information collected by OAH for the purpose of identification or communication regarding the case.

- 2) To the extent this form seeks information about a need for accommodation, OAH requests the information for the sole purpose of making a determination about the accommodation an individual is seeking. An individual seeking an accommodation is not required to use this form; it is provided as a convenience only. OAH can request this information in accordance with the Americans with Disabilities Act (42 United State Code Section 12101 et seq.).

- 3) Requests for Public Records or information maintained in accordance with the Information Practices Act shall be directed to the OAH Public Records Officer, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833, (916) 263-0550, or OAHPR@dgs.ca.gov.

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 a [REDACTED] 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 January 13, 2022, I served the following document(s):

1. Copy of the signed Accusation, FPPC No. 2018-00083;
2. Statement to Respondent;
3. Notice of Defense;
4. Office of Administrative Hearings Form 44 – Consent to Electronic Service Agreement;
and
5. APA Statutes - California Government Code sections 11506 through 11508

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 2:50 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.

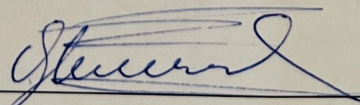
By providing the document(s) listed above with instructions for registered process server to personally deliver the envelope(s) to the person(s) at the address(es) set forth on the service list below. **The signed proof of service by the registered process server will be attached as soon as it is available.**

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

Laura Franco-Perez


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 13, 2022.



Suzanna Gevorkyan

Exhibit A-9



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

October 3, 2017

Laura Franco Perez



Subject: Statement of Economic Interests - Assuming Office

Dear Laura Franco Perez :

Congratulations on your appointment as **Planning Commissioner** to the City of Sanger. The Political Reform Act requires that officials and employees who are designated in an agency's conflict of interest code must file a Statement of Economic Interests, Form 700. Therefore, your Form 700 is due by 08/28/2017.

Our records indicate that you assumed your position on **07/27/2017**. As an official or employee whose position is designated in the agency's conflict of interest code, you are required to file an assuming office Form 700 Statement of Economic Interests, Form 700 no later than 30 days after the date you assumed office.

You are now eligible to prepare and submit your Form 700 electronically in the privacy of your own personal secured filing area. It is our vision that eDisclosure system will make it easier for you to comply with reporting requirements and save time and money for you and our organization. This program is secure and password-protected; and it assists you with filling out the form accurately and completely, performing an error-check prior to finalization. Once you complete your Form 700 in eDisclosure, the next time it is necessary to submit a form 700, the system allows information to be copied from a prior year's filing. You will have access to eDisclosure 24/7 and online help is available in a form of video tutorials and user guides under Help menu.

Upon login you will see a list of positions that you are required to file Form 700 for. Once you have completed your form, the system will prompt you to electronically submit your completed Form 700.

Once submitted your form will be saved in your online e-filing cabinet under the "Previous Filings" menu.

We hope you enjoy your experience and find e-filing easy to use.

Please watch a short 'How-to' video:

<http://www.southtech-tutorials.com/eDisclosure/FilerDemo/tutorial.html>

Program Location



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

The location of the program is: <https://form700.fppc.ca.gov/>

What is my Login ID?

Your Login ID is: [REDACTED]

What is my Password?

Existing Filers (*have previously logged into the system*) - If you have previously logged into the system, you have created your own password. If you have forgotten your password, please use the "Forgot Password" feature on the eDisclosure home page. This process will ask you to enter your security question and will generate a temporary password and email it to your email address. If you do not remember your security question, please contact your Filing Official listed below and ask them to reset your password which you will receive by email.

New Filers (*have never logged into the system*) - If you are a new filer, please refer to your "Conflict of Interest eFile Account Creation" email previously sent to you which included a temporary password. Once you log into the system, you will need to create a new password and answer a security question. If you have deleted the email, please contact your Filing Official listed below and ask them to reset your password which you will receive by email.

If you need assistance in logging into the system and/or need your password reset, please contact your Department/Authority/District Contact Person(s) shown below:

Becky Hernandez
City of Sanger
1700 7th St

Sanger, CA 93657-2804
(559)876-6300 ext:1350

or

Form700@fppc.ca.gov

Note: Once logged in, a 6 minute video tutorial has been provided under the Help Menu on the left side of the screen. Please review it prior to filing your form. You can also read the Filer User Guide or the Quick Reference Guide that is also available under the Help Menu.



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

November 6, 2017

Laura Franco Perez

City of Sanger



**Subject: Statement of Economic Interests - Statement Not Filed Within 30 Days of First Notice
SECOND NON-FILER NOTIFICATION**

Dear Laura Franco Perez:

According to our records, on October 3, 2017, you were notified that we did not receive your Statement of Economic Interest, Form 700, as Planning Commissioner for City of Sanger, which was due on August 28, 2017. We advised you to file your statement within 30 days. However, to date we have not received your statement.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10.00 per day, up to a maximum of \$100.00. Furthermore, the Fair Political Practices Commission - Cities N - Z prohibits the waiving of any portion of the liability if the statement is not filed within 30 days after the Fair Political Practices Commission - Cities N - Z sends you specific written notice of the filing requirement.

Therefore, your Statement of Economic Interests, Form 700 must be completed and returned along with a check or money order in the amount of \$100.00 made payable to the State of California. Forms and instructions are available online at <http://www.fppc.ca.gov/>.

Please send Form 700 and check/money order to:

Fair Political Practices Commission
1102 Q Street
Suite 3000
Sacramento, CA 95811

If we have not heard from you within 30 days from the date of this letter, this matter will be referred to the appropriate enforcement authority. Please be advised that in addition to the late filing penalties by Section 91013, Government Code Section 83116 provides that a fine of up to \$5,000 per violation may be imposed. Payment of the late filing fine under Section 91013 does not preclude further enforcement action, including the imposition of the additional fine under Section 83116.

If you have any questions or need assistance regarding this letter, or obtaining appropriate forms, please contact Sonia Rangel at (916)323-6229.

Exhibit A-10



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

November 14, 2018

Laura Franco Perez

City of Sanger

**Subject: Statement of Economic Interests - Notice of Non-Filing
FIRST NON-FILER NOTIFICATION - Annual**

Dear Laura Franco Perez:

According to our records, your Statement of Economic Interests, Form 700 as Planning Commissioner for City of Sanger which was due on April 2, 2018, has not been received. Please file immediately. The deadline cannot be extended.

Government Code Section 91013 imposes a \$10.00 per day fine up to a maximum of \$100.00 for the late filing of a Statement of Economic Interests. However, if you file your statement within 30 days of the date of this letter and provide an explanation for the late filing, all or part of the fine can be waived. State law prohibits the waiving of any portion of a fine if the statement is not filed within 30 days of this letter.

Please log into your electronic filing system to complete the annual statement and email an explanation for the late filing to Form700@fppc.ca.gov.

or

The Statement of Economic Interests, Form 700 and instructions are available at the FPPC's website: <http://www.fppc.ca.gov/>. Please file your statement along with an explanation or check or money order in the amount of \$100 made payable to the State California to:

Fair Political Practices Commission
1102 Q Street, Suite 3000
Sacramento, CA 95811

If you have any questions regarding this letter, please don't hesitate to contact me.

Sincerely,
Sonia Rangel
(916)323-6229
Form700@fppc.ca.gov



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

January 31, 2019

Laura Franco Perez

City of Sanger

**Subject: Statement of Economic Interests - Statement Not Filed Within 30 Days of First Notice
SECOND NON-FILER NOTIFICATION - Annual**

Dear Laura Franco Perez:

According to our records, on November 14, 2018, you were notified that we did not receive your Statement of Economic Interest, Form 700, as Planning Commissioner for City of Sanger, which was due on April 2, 2018. We advised you to file your statement within 30 days. However, to date we have not received your statement.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10.00 per day, up to a maximum of \$100.00. Furthermore, the Fair Political Practices Commission prohibits the waiving of any portion of the liability if the statement is not filed within 30 days after the Fair Political Practices Commission sends you specific written notice of the filing requirement.

Therefore, your Statement of Economic Interests, Form 700 must be completed and returned along with your check or money order payable to the State of California or to pay by credit card <http://www.fppc.ca.gov/Form700/pay-late-fines.html>. in the amount of \$100.00 made payable to the State of California. Your case number is LauraFranco Perez.

Forms and instructions are available online at <http://www.fppc.ca.gov/>.

Please send Form 700 and check/money order to:

Fair Political Practices Commission

1102 Q Street, Suite 3000

Sacramento, CA 95811

If we have not heard from you within 30 days from the date of this letter, this matter will be referred to the appropriate enforcement authority. Please be advised that in addition to the late filing penalties by Section 91013, Government Code Section 83116 provides that a fine of up to \$5,000 per violation may be imposed. Payment of the late filing fine under Section 91013 does not preclude further enforcement action, including the imposition of the additional fine under Section 83116.

If you have any questions or need assistance regarding this letter, or obtaining appropriate forms, please contact Sonia Rangel at (916)323-6229.

Exhibit A-11



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

November 1, 2018

Laura Franco Perez

Subject: Statement of Economic Interests - Leaving Office

Dear Laura Franco Perez:

Our records indicate that you left your position as Planning Commissioner with the City of Sanger on 06/06/2018. As an official or employee whose position is designated in the agency's conflict of interest code, you are required to file a leaving office Statement of Economic Interests, Form 700 no later than *30 days* after the date you left office. Therefore, your Form 700 is due by 07/06/2018.

You are now eligible to complete and submit your Leaving Office Form 700 electronically in the privacy of your own personal secured filing area. Once you have completed your form, the system will prompt you to electronically submit your completed Form 700. Once submitted your form will be saved in your online e-filing cabinet under the "Previous Filings" menu.

Government Code Section 91013 imposes a \$10.00 per day fine up to a maximum of \$100.00 for the late filing of a Statement of Economic Interests. However, if you file your statement within 30 days of the date of this email, you will not be fined. State law prohibits the waiving of any portion of a fine if the statement is not filed within 30 days of this letter.

If we do not receive a response from you within 30 days from the date of this letter, this matter will be referred to our Enforcement Division. Please be advised that in addition to the late filing penalties imposed by Section 91013, Government Code Section 83116 provides that a fine of up to \$5,000 per violation may be imposed. Payment of the late filing fine under Section 91013 does not preclude further enforcement action, including the imposition of the additional fine under Section 83116.

We hope you enjoy your experience and find e-filing easy to use.

Please watch a short 'How-to' video:

<http://www.southtech-tutorials.com/eDisclosure/FilerDemo/tutorial.html>

Program Location

The location of the program is: <https://form700.fppc.ca.gov/>

What is my Login ID?

Your Login ID is: [REDACTED]



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

What is my Password?

Existing Filers (*have previously logged into the system*) - If you have previously logged into the system, you have created your own password. If you have forgotten your password, please use the "Forgot Password" feature on the eDisclosure home page. This process will ask you to enter your security question and will generate a temporary password and email it to your email address. If you do not remember your security question, please contact your Filing Official listed below and ask them to reset your password which you will receive by email.

If you need assistance in logging into the system and/or need your password reset, please contact your Department/Authority/District Contact Person(s) shown below:

Becky Padron
City of Sanger
1700 7th St

Sanger, CA 93657-2804
(559)876-6300 ext:1350

OR

Form700@fppc.ca.gov

Note: Once logged in, a 6 minute video tutorial has been provided under the Help Menu on the left side of the screen. Please review it prior to filing your form. You can also read the Filer User Guide or the Quick Reference Guide that is also available under the Help Menu.



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

July 3, 2019

Laura Franco Perez

City of Sanger

**Subject: Statement of Economic Interests - Notice of Non-Filing
FIRST NON-FILER NOTIFICATION - Leaving**

Dear Laura Franco Perez:

According to our records, your Statement of Economic Interests, Form 700 as Planning Commissioner for City of Sanger which was due on July 6, 2018, has not been received. Please file immediately. The deadline cannot be extended.

Government Code Section 91013 imposes a \$10.00 per day fine up to a maximum of \$100.00 for the late filing of a Statement of Economic Interests. However, if you file your statement within 30 days of the date of this letter and provide an explanation for the late filing, all or part of the fine can be waived. State law prohibits the waiving of any portion of a fine if the statement is not filed within 30 days of this letter.

Please log into your electronic filing system to complete the annual statement and email an explanation for the late filing to Form700@fppc.ca.gov.

or

The Statement of Economic Interests, Form 700 and instructions are available at the FPPC's website: <http://www.fppc.ca.gov/>. Please file your statement along with an explanation or check or money order in the amount of \$100 made payable to the State California to:

Fair Political Practices Commission
1102 Q Street, Suite 3000
Sacramento, CA 95811

If you have any questions regarding this letter, please don't hesitate to contact me.

Sincerely,
SaVannah Black
(916)324-3722
Form700@fppc.ca.gov

Exhibit A-12



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

May 19, 2022

Laura Franco-Perez
[REDACTED]

NOTICE OF DEFAULT DECISION AND ORDER

Re: FPPC No. 18/00083, In the Matter of Laura Franco-Perez

Dear Laura Franco-Perez:

On January 15, 2022 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 June 16, 2022. 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 July 21, 2022 and impose an administrative penalty of \$12,000 against you.

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

You may still resolve this matter informally by way of a stipulated settlement if an agreement can be reached prior to this matter appearing for consideration by the Commission. Please contact me at (916) 327-6358 or arose@fppc.ca.gov if you wish to enter into a settlement to resolve this matter in its entirety.

Sincerely,

Alex Rose
Commission Counsel
Enforcement Division

¹ Government Code section 11505.



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

July 26, 2022

Laura Franco-Perez
[REDACTED]

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

Re: FPPC No. 18/00083 In the Matter of Laura Franco-Perez

Dear Laura Franco-Perez:

On January 15, 2022 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 **July 21, 2022**. The Commission will be asked to adopt the default at its public meeting scheduled for **August 18, 2022** and impose an administrative penalty of \$12,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on August 18, 2022 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.

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 August 18, 2022 meeting.

¹ Government Code section 11505.

Please contact me at (916) 327-6358 or arose@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,

Alex Rose

Alex Rose
Commission Counsel
Enforcement Division



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

August 31, 2022

Laura Franco-Perez
[REDACTED]

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

Re: FPPC No. 18/00083 In the Matter of Laura Franco-Perez

Dear Laura Franco-Perez:

On January 15, 2022 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 **July 21, 2022**. The Commission will be asked to adopt the default at its public meeting scheduled for **September 15, 2022** and impose an administrative penalty of \$12,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on September 15, 2022 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.

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 September 15, 2022

¹ Government Code section 11505.

meeting. Please contact me at (916) 327-6358 or arose@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,

Alex Rose

Alex Rose
Commission Counsel
Enforcement Division

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 August 16, 2022, I served the following document(s):

1. Letter re: Notice of Default Decision and Order and Administrative Fine, dated July 26, 2022, from Alex Rose, Commission Counsel, Enforcement Division;
2. Copy of the signed Default Decision and Order, FPPC No. 18-00083;
3. Exhibit 1 in Support of a Default Decision and Order and Exhibits A-1 through A-13; and
4. Copy of California Code of Regulations, Title 2, Section 18361.11, "Default 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 documents in a sealed envelope or package addressed to the person at the address listed below and placed the envelope or package for collection and mailing by first class mail, 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, 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

Laura Franco-Perez


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 16, 2022.


Stacey Anderson-Wise

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

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

OFFICIAL USE

7020 0640 0002 2861 6712

Certified Mail Fee
\$ _____

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

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postmark
Here

Postage
\$ _____

Total
\$ _____

Sent
\$ _____

Street

City

PROOF OF SERVICE

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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

Laura Franco-Perez
[REDACTED]

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 31, 2022.

Alex Rose

