

1 BRIGGS LAW CORPORATION [FILE: 1867.01]  
Cory J. Briggs (State Bar no. 176284)  
2 Anthony N. Kim (State Bar no. 283353)  
99 East "C" Street, Suite 111  
3 Upland, CA 91786  
Telephone: 909-949-7115

4 Attorneys for Plaintiff and Petitioner Spotlight on  
5 Coastal Corruption

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN DIEGO – HALL OF JUSTICE

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11 SPOTLIGHT ON COASTAL CORRUPTION; and ) CASE NO. 37-2016-00028494-CU-MC-CTL  
DOES 1 through 10, )  
12 Plaintiffs and Petitioners, )  
13 vs. )  
14 STEVE KINSEY; ERIK HOWELL; MARTHA )  
15 McCLURE; WENDY MITCHELL; MARK )  
16 VARGAS; and DOES 11 through 100, )  
17 Defendants and Respondents. )

Action Filed: August 17, 2016  
Department: C-72 (Taylor)

18  
19 Plaintiff and Petitioner SPOTLIGHT ON COASTAL CORRUPTION ("SOCC") and  
20 Defendants and Respondents STEVE KINSEY, ERIK HOWELL, MARTHA McCLURE, WENDY  
21 MITCHELL, and MARK VARGAS (collectively, "Defendants"), by and through their respective  
22 attorneys of record, now stipulate as follows:

23 1. In its opposition to Defendants' motion for summary judgment, SOCC indicated that  
24 during discovery it obtained information that could provide a basis for asserting causes of action against  
25 Defendant McClure and Defendant Mitchell for violations of Public Resources Code Section 30327.5.

26 2. The parties prefer that those causes of action be litigated in this lawsuit rather than in  
27 a separate lawsuit in order to conserve judicial, taxpayer, and private resources and obtain the speediest  
28 possible resolution thereon.

1 3. The assertion of two additional causes of action will not require any additional  
2 discovery, will not delay this lawsuit proceeding to trial as currently scheduled for February 23, 2018,  
3 and will not require more than approximately 30 minutes of trial time. The deadline for completing  
4 discovery has now passed.

5 4. SOCC has prepared a fourth amended complaint/petition that asserts the two additional  
6 causes of action and modifies the prayer accordingly. A copy of the amended pleading is attached to  
7 this stipulation as Exhibit "A."

8 5. The parties agree that SOCC should be granted leave to file the fourth amended  
9 complaint/petition.

10 6. The parties agree that Defendants will file an answer to the fourth amended  
11 complaint/petition within five business days and will not file any challenge to the pleading in order to  
12 avoid delaying the trial of this lawsuit as currently scheduled.

13 FOR THESE REASONS, the Court should grant SOCC leave to file the fourth amended  
14 complaint/petition attached hereto as Exhibit "A" and allow Defendants to file an answer within five  
15 days of the amended pleading's filing and service.

16 Respectfully submitted,

17 BRIGGS LAW CORPORATION

18 *Cory J. Briggs*

19 Date: January 31, 2018.

By:

Cory J. Briggs

20 Attorneys for Plaintiff and Petitioner Spotlight on  
21 Coastal Corruption

22 OFFICE OF THE ATTORNEY GENERAL

23 Date: Feb 2, 2018. By:

24 *Joel S. Jacobs*  
Joel S. Jacobs

25 Attorneys for Defendants and Respondents Steve  
26 Kinsey, Erik Howell, Martha McClure, Wendy  
27 Mitchell, and Mark Vargas

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1 FOR GOOD CAUSE SHOWING, IT IS NOW ORDERED that SOCC shall file and serve the  
2 fourth amended complaint/petition attached hereto as Exhibit "A" and Defendants shall file an answer  
3 within five business days. No trial continuance is contemplated.

4 Date: February 5, 2018



5 \_\_\_\_\_  
Judge of the Superior Court

6 Judge Timothy Taylor

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Stipulation: Exhibit "A"

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN DIEGO – HALL OF JUSTICE  
10

11	SPOTLIGHT ON COASTAL CORRUPTION; and )	CASE NO. 37-2016-00028494-CU-MC-CTL
12	DOES 1 through 10, )	
13	Plaintiffs and Petitioners, )	<b>FOURTH AMENDED COMPLAINT FOR</b>
14	vs. )	<b>RECOVERY OF CIVIL FINES AND</b>
15	STEVE KINSEY; ERIK HOWELL; MARTHA )	<b>OTHER RELIEF AGAINST CALIFORNIA</b>
16	McCLURE; WENDY MITCHELL; MARK )	<b>COASTAL COMMISSIONERS STEVE</b>
17	VARGAS; and DOES 11 through 100, )	<b>KINSEY, ERIK HOWELL, MARTHA</b>
	Defendants and Respondents. )	<b>McCLURE, WENDY MITCHELL, AND</b>
		<b>MARK VARGAS; PETITION FOR WRIT</b>
		<b>OF MANDATE</b>
		Action Filed: August 17, 2016
		Department: C-72 (Taylor)

18 Plaintiff and Petitioner SPOTLIGHT ON COASTAL CORRUPTION ("SOCC") alleges as  
19 follows in this Fourth Amended Complaint for Recovery of Civil Fines and Other Relief against  
20 California Coastal Commissioners Steve Kinsey, Erik Howell, Martha McClure, Wendy Mitchell, Mark  
21 Vargas, and DOES 11 through 100:

22 **Parties**

23 1. SOCC is a non-profit organization formed and operating under the laws of the State of  
24 California. SOCC has an interest in, among other things, ensuring compliance with all laws promoting  
25 transparency and accountability in the activities of members of the California Coastal Commission.<sup>1</sup>

26  
27 <sup>1</sup> No matter how any portion of this pleading's allegations or prayer is construed, in no way does  
28 SOCC intend to assert a claim or seek relief that is inconsistent with the following parameters: (1)  
SOCC does not seek any relief greater than or different from the relief sought for the general public or  
for a class of which SOCC's members residing within the State of California or geographical  
jurisdiction of the California Coastal Commission are themselves members. (2) This lawsuit seeks to  
enforce at least one important right affecting the public interest and to confer at least one significant

1 At least one of SOCC's members resides in and pays taxes within the geographical jurisdiction of the  
2 California Coastal Commission. SOCC is a "person" within the meaning of Public Resources Code  
3 Section 30111.

4 2. Defendants and Respondents STEVE KINSEY, ERIK HOWELL, MARTHA  
5 McCLURE, WENDY MITCHELL, and MARK VARGAS (collectively, "Defendants") are voting  
6 members of the California Coastal Commission.

7 3. The true names and capacities of the parties identified as DOES 11 through 100 are  
8 unknown to SOCC, who will seek the Court's permission to amend this pleading in order to allege the  
9 true names and capacities as soon as they are ascertained. Each of the fictitiously named Defendants  
10 11 through 100 is a voting member of the California Coastal Commission or is otherwise subject to  
11 Public Resources Code Section 30320-30329 and related statutes.

#### 12 **Background Information**

13 4. Since at least January 1, 2013, Public Resources Code Section 30320 has provided as  
14 follows:

15 (a) The people of California find and declare that the duties,  
16 responsibilities, and quasi-judicial actions of the commission are  
17 sensitive and extremely important for the well-being of current and  
18 future generations and that the public interest and principles of  
19 fundamental fairness and due process of law require that the commission  
20 conduct its affairs in an open, objective, and impartial manner free of  
21 undue influence and the abuse of power and authority. It is further found  
22 that, to be effective, California's coastal protection program requires  
23 public awareness, understanding, support, participation, and confidence  
24 in the commission and its practices and procedures. Accordingly, this  
25 article is necessary to preserve the public's welfare and the integrity of,  
26 and to maintain the public's trust in, the commission and the  
27 implementation of this division.

28 (b) The people of California further find that in a democracy, due  
process, fairness, and the responsible exercise of authority are all  
essential elements of good government which require that the public's  
business be conducted in public meetings, with limited exceptions for  
sensitive personnel matters and litigation, and on the official record.  
Reasonable restrictions are necessary and proper to prevent future  
abuses and misuse of governmental power so long as all members of the  
public are given adequate opportunities to present their views and  
opinions to the commission through written or oral communications on  
the official record either before or during the public hearing on any  
matter before the commission.

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benefit, whether pecuniary or non-pecuniary, on the general public or a large class of persons. (3)  
Private enforcement is necessary and places a disproportionate financial burden on SOCC in relation  
to its stake in the matter.

1           5.       Since at least January 1, 2013, Public Resources Code Section 30321 has provided as  
2 follows: "For purposes of this article, 'a matter within the commission's jurisdiction' means any permit  
3 action, federal consistency review, appeal, local coastal program, port master plan, public works plan,  
4 long-range development plan, categorical or other exclusions from coastal development permit  
5 requirements, or any other quasi-judicial matter requiring commission action, for which an application  
6 has been submitted to the commission."

7           6.       Since at least January 1, 2013, Public Resources Code Section 30322 has provided as  
8 follows:

9                   (a) For purposes of this article, except as provided in subdivision  
10 (b), an "ex parte communication" is any oral or written communication  
11 between a member of the commission and an interested person, about a  
12 matter within the commission's jurisdiction, which does not occur in a  
13 public hearing, workshop, or other official proceeding, or on the official  
14 record of the proceeding on the matter.

15                   (b) The following communications are not ex parte  
16 communications:

17                           (1) Any communication between a staff member acting  
18 in his or her official capacity and any commission member or interested  
19 person.

20                           (2) Any communication limited entirely to procedural  
21 issues, including, but not limited to, the hearing schedule, location,  
22 format, or filing date.

23                           (3) Any communication which takes place on the record  
24 during an official proceeding of a state, regional, or local agency that  
25 involves a member of the commission who also serves as an official of  
26 that agency.

27                           (4) Any communication between a member of the  
28 commission, with regard to any action of another state agency or of a  
regional or local agency of which the member is an official, and any  
other official or employee of that agency, including any person who is  
acting as an attorney for the agency.

                          (5) Any communication between a nonvoting commission  
member and a staff member of a state agency where both the  
commission member and the staff member are acting in an official  
capacity.

                          (6) Any communication to a nonvoting commission  
member relating to an action pending before the commission, where the  
nonvoting commission member does not participate in that action, either  
through written or verbal communication, on or off the record, with  
other members of the commission.

1           7.     Since at least January 1, 2015, Public Resources Code Section 30324 has provided as  
2 follows:

3                   (a) No commission member, nor any interested person, shall  
4 conduct an ex parte communication unless the commission member fully  
5 discloses and makes public the ex parte communication by providing a  
6 full report of the communication to the executive director within seven  
7 days after the communication or, if the communication occurs within  
8 seven days of the next commission hearing, to the commission on the  
9 record of the proceeding at that hearing.

10                  (b)(1) The commission shall adopt standard disclosure forms for  
11 reporting ex parte communications which shall include, but not be  
12 limited to, all of the following information:

13                               (A) The date, time, and location of the  
14 communication.

15                               (B)(i) The identity of the person or persons  
16 initiating and the person or persons receiving the communication. (ii)  
17 The identity of the person on whose behalf the communication was  
18 made. (iii) The identity of all persons present during the communication.

19                               (C) A complete, comprehensive description of the  
20 content of the ex parte communication, including a complete set of all  
21 text and graphic material that was part of the communication.

22                               (2) The executive director shall place in the public record  
23 any report of an ex parte communication.

24                   (c) Communications shall cease to be ex parte communications  
25 when fully disclosed and placed in the commission's official record.

26           8.     Since at least January 1, 2013, Public Resources Code Section 30327 has provided as  
27 follows:

28                   (a) No commission member or alternate shall make, participate  
in making, or any other way attempt to use his or her official position to  
influence a commission decision about which the member or alternate  
has knowingly had an ex parte communication that has not been reported  
pursuant to Section 30324.

                  (b) In addition to any other applicable penalty, including a civil  
fine imposed pursuant to Section 30824, a commission member who  
knowingly violates this section shall be subject to a civil fine, not to  
exceed seven thousand five hundred dollars (\$7,500). Notwithstanding  
any law to the contrary, the court may award attorneys' fees and costs  
to the prevailing party.

          9.     Since at least January 1, 2013, Public Resources Code Section 30824 has provided as  
follows: "In addition to any other applicable penalty, any commission member who knowingly violates



1 Section 30324 is subject to a civil fine, not to exceed seven thousand five hundred dollars (\$7,500).  
2 Notwithstanding any law to the contrary, the court may award attorneys' fees and costs to the prevailing  
3 party."

4 10. SOCC first learned of the illegal conduct that is the subject of this lawsuit not more than  
5 90 days prior to commencing this lawsuit.

6 **Jurisdiction, Venue, and Exhaustion of Administrative Remedies**

7 11. SOCC seeks review by and relief from this Court under, as applicable, the California  
8 Coastal Act (Public Resources Code Section 30000 *et seq.*); Code of Civil Procedure Sections 526a,  
9 1060 *et seq.*, and 1084 *et seq.*; and principles of common-law taxpayer standing and public-interest  
10 standing, among other provisions of law.<sup>2</sup> None of the illegal conduct alleged in this pleading was  
11 within the discretion of any of the Defendants; all alleged wrongdoing was in violation of one or more  
12 mandatory, ministerial duties.

13 12. SOCC and its members have a beneficial right and interest in the fulfillment of all legal  
14 duties imposed on Defendants, as alleged in this pleading.

15 13. SOCC is informed and believes and on that basis alleges that at least one element of the  
16 illegal conduct that is the subject of this lawsuit occurred within the County of San Diego.

17 14. SOCC was not legally required to exhaust administrative remedies, or is excused from  
18 the exhaustion requirement, for the following reasons:

19 A. The inadequacy of the *ex parte* disclosures that are the subject of this complaint  
20 were not made known to the public and could not have been discovered by the public through the  
21 exercise of reasonable diligence until after the public hearing on the item that was the subject of the *ex*  
22 *parte* communication had taken place and the record had been closed. By way of example and not  
23 limitation, SOCC is informed and believes and on that basis alleges:

24 1. On or about December 22, 2015, Defendant KINSEY toured Banning  
25 Ranch with interested parties. Defendant KINSEY failed to disclose this contact despite touring a  
26 property which at the time he knew was the subject of pending matters before the Coastal Commission  
27 as required by law.

28 \_\_\_\_\_  
<sup>2</sup> SOCC also has standing to maintain this lawsuit pursuant to Public Resources Code Sections 30804,  
30805, 30805.5, and/or 30820, among other legal provisions.

1                   2.       Defendant McCLURE stayed overnight at the Tuscan-style Malibu villa  
2 of a prominent coastal development consultant and conducted ex parte communications on the  
3 consultant's matter that was pending before the Coastal Commission. However, McCLURE has never  
4 disclosed the nature of the ex parte communications that took place during her stay as required by law.

5                   3.       Defendants VARGAS, MITCHELL, and HOWELL conducted similar  
6 ex parte communications under similar secret circumstances on similar matters that were pending  
7 before the Coastal Commission at the time of the communications but have never disclosed those  
8 communications as required by law.

9                   B.       Defendants complete written disclosures purporting to comply with substantive  
10 requirements of Public Resources Code Section 30324(a). Defendants then sign and date their written  
11 disclosures to demonstrate timely compliance with Public Resources Code Section 30324(b), but in fact  
12 they do not submit the disclosures into the official record of the Coastal Commission, if at all, until after  
13 making decisions on the subject matter of the communications in violation of the law. Furthermore,  
14 they do not maintain a file-stamped copy of the submitted disclosures showing when, if at all, the  
15 disclosures became part of the official record as required by law. By way of example and not  
16 limitation, SOCC is informed and believes and on that basis alleges:

17                   1.       Defendant VARGAS purported to disclose completely and  
18 comprehensively in less than 50 words an ex parte communication he had with U2 lead guitarist David  
19 Evans (also known as "The Edge") for which VARGAS flew to a concert venue in Dublin, Ireland, on  
20 a night when U2 performed as the headlining act. Despite requests by SOCC, the Coastal Commission  
21 has failed to provide a file-stamped copy of VARGAS's disclosure of this ex parte communication  
22 showing that it was submitted in a timely manner as required by law. Curiously, the metadata  
23 contained in the electronic version of VARGAS's un-filed disclosure form indicate that it was "created"  
24 *after* it was "modified."

25                   2.       Defendant MITCHELL purported to disclose completely and  
26 comprehensively an ex parte communication with Banning Ranch Conservancy members Terry Welsh  
27 and Steve Ray that occurred on December 10, 2015. The electronic copy of the disclosure report  
28 provided to SOCC by the Coastal Commission contains metadata indicating that the copy was

1 “modified” on August 15, 2016, two days before the filing of the original complaint in this lawsuit.  
2 This gap in time of over eight months between the ex parte communication and the “modification” of  
3 its corresponding disclosure allows for an inference of belated processing of the disclosure with the  
4 purpose of creating the appearance that this ex parte communication was timely and properly disclosed  
5 when in fact it was not. Despite requests by SOCC, the Coastal Commission has failed to provide a  
6 file-stamped copy of MITCHELL’s disclosure of this ex parte communication showing that it was  
7 submitted in a timely manner as required by law.

8 3. Defendant HOWELL purported to disclose completely and  
9 comprehensively an ex parte communication with Terry Welsh that occurred on May 6, 2016. The  
10 electronic copy of the disclosure report provided to SOCC by the Coastal Commission contains  
11 metadata indicating that the copy was “modified” on September 16, 2016, one month after the filing  
12 of the original complaint in this lawsuit. This gap in time of over four months between the ex parte  
13 communication and the “modification” of its corresponding disclosure allows for an inference of  
14 belated processing of the disclosure with the purpose of creating the appearance that this ex parte  
15 communication was timely and properly disclosed when in fact it was not. Despite requests by SOCC,  
16 the Coastal Commission has failed to provide a file-stamped copy of HOWELL’s disclosure of this ex  
17 parte communication showing that it was submitted in a timely manner as required by law.

18 C. The requirement to exhaust administrative remedies applies to challenges of  
19 specific decisions made by an administrative body and not, as here, suits seeking to enforce the general  
20 procedural duties of individuals members of an administrative body.

21 D. The “alternative judicial remedy” doctrine operates here to excuse SOCC from  
22 the requirement to exhaust administrative remedies. The doctrine provides that when the Legislature  
23 allows for a statutory remedy as an alternative judicial remedy, as it has done here, exhaustion is not  
24 required.

25 E. The Attorney General of California is responsible, on behalf of the People of the  
26 State of California, for prosecuting claims like those asserted in this lawsuit. However, despite  
27 substantial evidence of multiple violations of the Coastal Act, as alleged in this pleading, the Attorney  
28

1 General has instead decided to represent Defendants in defending against the alleged violations instead  
2 of independently prosecuting them. But for this lawsuit, the violations will go without redress.

3 **FIRST CAUSE OF ACTION:**  
4 **Violation of Laws Governing Ex Parte Communications**  
5 **(Against All Defendants)**

6 15. Paragraphs 1 through 14-D are fully incorporated into this paragraph.

7 16. SOCC is informed and believes and on that basis alleges three separate and distinct  
8 counts against each of the Defendants flowing from a single cause of action.

9 17. Count 1: SOCC is informed and believes and on that basis alleges that each of the  
10 Defendants knowingly violated the requirements for the disclosure of ex parte communications  
11 prescribed by Public Resources Code Section 30324. By way of example and not limitation:

12 A. Prior to engaging in the illegal conduct that is the subject of this lawsuit,  
13 Defendants received training on, were aware of, and therefore had actual knowledge of the  
14 requirements of Public Resources Code Section 30324 and the penalties imposed under Section 30824  
15 for knowing violations of Section 30324. As recently as August 15, 2014, Coastal Commission Deputy  
16 Counsel Christopher Pederson briefed all members of the Coastal Commission, including Defendants,  
17 on the critical importance of their duty to disclose ex parte communications, directly quoting from  
18 Sections 30324 and 30824. For over two-and-a-half hours, Defendants participated in a discussion  
19 regarding their duties with regard to ex parte communications, with all Defendant save VARGAS  
20 speaking on the record. Nonetheless, Defendants consciously disregarded the requirements of Section  
21 30327(a) based on the arrogant, corrupt belief that their ex parte communications were none of the  
22 public's business, at times using personal e-mail and/or personal text messages to conceal their illegal  
23 communications. Defendants' repeated violations were not innocent oversights.

24 B. With regard to Defendant KINSEY and during the three-year period immediately  
25 prior to the commencement of this lawsuit, this Defendant conducted ex parte communications and  
26 failed to subsequently provide full written reports within seven days of such communications to the  
27 Coastal Commission's executive director, thereby violating Public Resources Code Section 30324(a).  
28 In particular, this Defendant violated Section 30324(a) on at least 70 occasions, as indicated on

1 Attachment 1 to this pleading (which is incorporated herein by this reference); and on each occasion,  
2 he knew that he was violating Section 30324(a).

3           1. Public Resources Code Section 30824 imposes a civil penalty not to  
4 exceed \$7,500.00 for each knowing violation of Section 30324. Defendant KINSEY knowingly  
5 violated Section 30324 at least 70 times. Therefore, he is subject to civil fines for these violations in  
6 the amount of at least \$525,000.00 (*i.e.*, 70 x \$7,500.00) based on the number of such violations  
7 currently known to SOCC (the amount of the civil fines could increase as more violations are  
8 discovered by SOCC).

9           C. With regard to Defendant HOWELL and during the entire period immediately  
10 prior to the commencement of this lawsuit back through the date of his appointment, this Defendant  
11 conducted ex parte communications and failed to subsequently provide full written reports within seven  
12 days of such communications to the Coastal Commission's executive director, thereby violating Public  
13 Resources Code Section 30324(a). In particular, this Defendant violated Section 30324(a) on at least  
14 48 occasions, as indicated on Attachment 2 to this pleading (which is incorporated herein by this  
15 reference); and on each occasion, he knew that he was violating Section 30324(a), thereby incurring  
16 civil liability under Section 30824.

17           1. Public Resources Code Section 30824 imposes a civil penalty not to  
18 exceed \$7,500.00 for each knowing violation of Section 30324. Defendant HOWELL knowingly  
19 violated Section 30324 at least 48 times. Therefore, he is subject to civil fines for these violations in  
20 the amount of at least \$360,000.00 (*i.e.*, 48 x \$7,500.00) based on the number of such violations  
21 currently known to SOCC (the amount of the civil fines could increase as more violations are  
22 discovered by SOCC).

23           D. With regard to Defendant McCLURE and during the three-year period  
24 immediately prior to the commencement of this lawsuit, this Defendant conducted ex parte  
25 communications and failed to subsequently provide full written reports within seven days of such  
26 communications to the Coastal Commission's executive director, thereby violating Public Resources  
27 Code Section 30324(a). In particular, this Defendant violated Section 30324(a) on at least 42  
28 occasions, as indicated on Attachment 3 to this pleading (which is incorporated herein by this

1 reference); and on each occasion, she knew that she was violating Section 30324(a), thereby incurring  
2 civil liability under Section 30824.

3           1.       Public Resources Code Section 30824 imposes a civil penalty not to  
4 exceed \$7,500.00 for each knowing violation of Section 30324. Defendant McCLURE knowingly  
5 violated Section 30324 at least 42 times. Therefore, she is subject to civil fines for these violations in  
6 the amount of at least \$315,000.00 (*i.e.*, 42 x \$7,500.00) based on the number of such violations  
7 currently known to SOCC (the amount of the civil fines could increase as more violations are  
8 discovered by SOCC).

9           E.       With regard to Defendant MITCHELL and during the three-year period  
10 immediately prior to the commencement of this lawsuit, this Defendant conducted *ex parte*  
11 communications and failed to subsequently provide full written reports within seven days of such  
12 communications to the Coastal Commission's executive director, thereby violating Public Resources  
13 Code Section 30324(a). In particular, this Defendant violated Section 30324(a) on at least 60  
14 occasions, as indicated on Attachment 3 to this pleading (which is incorporated herein by this  
15 reference); and on each occasion, she knew that she was violating Section 30324(a), thereby incurring  
16 civil liability under Section 30824.

17           1.       Public Resources Code Section 30824 imposes a civil penalty not to  
18 exceed \$7,500.00 for each knowing violation of Section 30324. Defendant MITCHELL knowingly  
19 violated Section 30324 at least 60 times. Therefore, she is subject to civil fines for these violations in  
20 the amount of at least \$450,000.00 (*i.e.*, 60 x \$7,500.00) based on the number of such violations  
21 currently known to SOCC (the amount of the civil fines could increase as more violations are  
22 discovered by SOCC).

23           F.       With regard to Defendant VARGAS and during the three-year period  
24 immediately prior to the commencement of this lawsuit, this Defendant conducted *ex parte*  
25 communications and failed to subsequently provide full written reports within seven days of such  
26 communications to the Coastal Commission's executive director, thereby violating Public Resources  
27 Code Section 30324(a). In particular, this Defendant violated Section 30324(a) on at least 75  
28 occasions, as indicated on Attachment 3 to this pleading (which is incorporated herein by this

1 reference); and on each occasion, she knew that she was violating Section 30324(a), thereby incurring  
2 civil liability under Section 30824.

3           1.       Public Resources Code Section 30824 imposes a civil penalty not to  
4 exceed \$7,500.00 for each knowing violation of Section 30324. Defendant VARGAS knowingly  
5 violated Section 30324 at least 75 times. Therefore, he is subject to civil fines for these violations in  
6 the amount of at least \$562,500.00 (*i.e.*, 75 x \$7,500.00) based on the number of such violations  
7 currently known to SOCC (the amount of the civil fines could increase as more violations are  
8 discovered by SOCC).

9           18.       Count 2: SOCC is informed and believes and on that basis alleges that each of the  
10 Defendants violated Public Resources Code Section 30327(a) by knowingly making, participating in  
11 making, or in some other way attempting to use his or her official position as a member of the Coastal  
12 Commission to influence a Commission decision about which each Defendant knowingly had an ex  
13 parte communication that was not reported in accordance with Public Resources Code Section 30324.  
14 By way of example and not limitation:

15           A.       Prior to engaging in the illegal conduct that is the subject of this lawsuit,  
16 Defendants received training on, were aware of, and therefore had actual knowledge of the  
17 requirements of Public Resources Code Section 30327(a). As recently as August 15, 2014, Coastal  
18 Commission Deputy Counsel Christopher Pederson briefed Defendants on the critical importance of  
19 their duty to refrain from participating or otherwise influencing a Commission decision for which an  
20 ex parte communication was not properly disclosed, directly quoting from Section 30327. For over  
21 two-and-a-half hours, Defendants participated in a discussion regarding their duties with regard to ex  
22 parte communications, with all Defendant save VARGAS speaking on the record. Nonetheless,  
23 Defendants consciously disregarded the requirements of Section 30327(a) based on the arrogant,  
24 corrupt belief that their ex parte communications were none of the public's business, at times using  
25 personal e-mail and/or personal text messages to conceal their illegal communications. Defendants'  
26 repeated violations were not innocent oversights.

27           B.       With regard to Defendant KINSEY and during the three-year period immediately  
28 prior to the commencement of this lawsuit, this Defendant made, participated in making, or in some

1 other way attempted to use his official position within the Coastal Commission to influence at least one  
2 Commission decision about which he had knowingly had at least one ex parte communication that was  
3 not reported pursuant to Public Resources Code Section 30324, thereby violating Section 30327(a).  
4 In particular, this Defendant violated Section 30327(a) on at least 70 occasions, as indicated on  
5 Attachment 1 to this pleading (which is incorporated herein by this reference); and on each occasion  
6 he knew that he was violating Section 30327(a).<sup>3</sup>

7           1. Public Resources Code Section 30327(b) imposes a civil penalty not to  
8 exceed \$7,500.00 for each knowing violation of Section 30327(a). Defendant KINSEY knowingly  
9 violated Section 30327(a) at least 70 times. Therefore, he is subject to civil fines for these violations  
10 in the amount of at least \$525,000.00 (*i.e.*, 70 x \$7,500.00) based on the number of such violations  
11 currently known to SOCC (the amount of the civil fines could increase as more violations are  
12 discovered by SOCC).

13           C. With regard to Defendant HOWELL and during the entire period immediately  
14 prior to the commencement of this lawsuit back through the date of his appointment, this Defendant  
15 made, participated in making, or in some other way attempted to use his official position within the  
16 Coastal Commission to influence at least one Commission decision about which he had knowingly had  
17 at least one ex parte communication that was not reported pursuant to Public Resources Code Section  
18 30324, thereby violating Section 30327(a). In particular, this Defendant violated Section 30327(a) on  
19 at least 48 occasions, as indicated on Attachment 2 to this pleading (which is incorporated herein by  
20 this reference); and on each occasion he knew that he was violating Section 30327(a).

21           1. Public Resources Code Section 30327(b) imposes a civil penalty not to  
22 exceed \$7,500.00 for each knowing violation of Section 30327(a). Defendant HOWELL knowingly  
23 violated Section 30327(a) at least 48 times. Therefore, he is subject to civil fines for these violations  
24 in the amount of at least \$525,000.00 (*i.e.*, 70 x \$7,500.00) based on the number of such violations  
25

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26  
27 <sup>3</sup> The Attachments to this pleading are provided solely as a convenience so that Defendants and the  
28 Court can easily identify recent decisions and ex parte communications that provide the basis for  
SOCC's estimated number of violations and amount of fines/penalties owed by Defendants. The  
Attachments should in no way be construed as limiting the violations over which SOCC is suing; this  
lawsuit seeks redress for all violations within the three-year period immediately prior to the  
commencement of the lawsuit, but the Attachments do not go back that far and merely provide recent  
examples of suspected violations.



1 currently known to SOCC (the amount of the civil fines could increase as more violations are  
2 discovered by SOCC).

3 D. With regard to Defendant McCLURE and during the three-year period  
4 immediately prior to the commencement of this lawsuit, this Defendant made, participated in making,  
5 or in some other way attempted to use his official position within the Coastal Commission to influence  
6 at least one Commission decision about which he had knowingly had at least one ex parte  
7 communication that was not reported pursuant to Public Resources Code Section 30324, thereby  
8 violating Section 30327(a). In particular, this Defendant violated Section 30327(a) on at least 42  
9 occasions, as indicated on Attachment 2 to this pleading (which is incorporated herein by this  
10 reference); and on each occasion she knew that he was violating Section 30327(a).

11 1. Public Resources Code Section 30327(b) imposes a civil penalty not to  
12 exceed \$7,500.00 for each knowing violation of Section 30327(a). Defendant McCLURE knowingly  
13 violated Section 30327(a) at least 42 times. Therefore, she is subject to civil fines for these violations  
14 in the amount of at least \$315,000.00 (*i.e.*, 42 x \$7,500.00) based on the number of such violations  
15 currently known to SOCC (the amount of the civil fines could increase as more violations are  
16 discovered by SOCC).

17 E. With regard to Defendant MITCHELL and during the three-year period  
18 immediately prior to the commencement of this lawsuit, this Defendant made, participated in making,  
19 or in some other way attempted to use his official position within the Coastal Commission to influence  
20 at least one Commission decision about which he had knowingly had at least one ex parte  
21 communication that was not reported pursuant to Public Resources Code Section 30324, thereby  
22 violating Section 30327(a). In particular, this Defendant violated Section 30327(a) on at least 60  
23 occasions, as indicated on Attachment 2 to this pleading (which is incorporated herein by this  
24 reference); and on each occasion she knew that he was violating Section 30327(a).

25 1. Public Resources Code Section 30327(b) imposes a civil penalty not to  
26 exceed \$7,500.00 for each knowing violation of Section 30327(a). Defendant MITCHELL knowingly  
27 violated Section 30327(a) at least 60 times. Therefore, she is subject to civil fines for these violations  
28 in the amount of at least \$450,000.00 (*i.e.*, 60 x \$7,500.00) based on the number of such violations

1 currently known to SOCC (the amount of the civil fines could increase as more violations are  
2 discovered by SOCC).

3 F. By way of example and not limitation, with regard to Defendant VARGAS and  
4 during the three-year period immediately prior to the commencement of this lawsuit, this Defendant  
5 made, participated in making, or in some other way attempted to use his official position within the  
6 Coastal Commission to influence at least one Commission decision about which he had knowingly had  
7 at least one ex parte communication that was not reported pursuant to Public Resources Code Section  
8 30324, thereby violating Section 30327(a). In particular, this Defendant violated Section 30327(a) on  
9 at least 75 occasions, as indicated on Attachment 2 to this pleading (which is incorporated herein by  
10 this reference); and on each occasion he knew that he was violating Section 30327(a).

11 1. Public Resources Code Section 30327(b) imposes a civil penalty not to  
12 exceed \$7,500.00 for each knowing violation of Section 30327(a). Defendant VARGAS knowingly  
13 violated Section 30327(a) at least 75 times. Therefore, he is subject to civil fines for these violations  
14 in the amount of at least \$562,500.00 (*i.e.*, 75 x \$7,500.00) based on the number of such violations  
15 currently known to SOCC (the amount of the civil fines could increase as more violations are  
16 discovered by SOCC).

17 19. Count 3: SOCC is informed and believes and on that basis alleges Defendants' violations  
18 of both Public Resources Code Sections 30324 and 30327(a) are each separately punishable under  
19 Public Resources Code Section 30820(a)(2). Each separate violation is subject to civil liability not to  
20 exceed \$30,000.00, regardless of whether the violation was knowingly committed by Defendants.<sup>4</sup> By  
21 way of example and not limitation:

22 A. Defendant KINSEY violated Public Resources Code Sections 30324 and  
23 30327(a) at least 70 times each, amounting to at least 140 violations separately punishable under  
24 Section 30820(a)(2). Therefore, at the maximum legal rate, he is subject to civil liability for these  
25 violations in the amount of at least \$4,200,000.00 (*i.e.*, 140 x \$30,000.00) based on the number of such  
26 violations currently known to SOCC (the amount of the civil fines could increase as more violations  
27 are discovered by SOCC).

28  

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<sup>4</sup> Defendants could therefore have to pay \$37,500.00 for *each* of their respective knowing violations.

1           B.     Defendant HOWELL violated Public Resources Code Sections 30324 and  
2 30327(a) at least 48 times each, amounting to at least 96 violations separately punishable under Section  
3 30820(a)(2). Therefore, at the maximum legal rate, he is subject to civil liability for these violations  
4 in the amount of at least \$2,880,000.00 (*i.e.*, 96 x \$30,000.00) based on the number of such violations  
5 currently known to SOCC (the amount of the civil fines could increase as more violations are  
6 discovered by SOCC).

7           C.     Defendant McCLURE violated Public Resources Code Sections 30324 and  
8 30327(a) at least 42 times each, amounting to at least 84 violations separately punishable under Section  
9 30820(a)(2). Therefore, at the maximum legal rate, she is subject to civil liability for these violations  
10 in the amount of at least \$2,520,000.00 (*i.e.*, 84 x \$30,000.00) based on the number of such violations  
11 currently known to SOCC (the amount of the civil fines could increase as more violations are  
12 discovered by SOCC).

13           D.     Defendant MITCHELL violated Public Resources Code Sections 30324 and  
14 30327(a) at least 60 times each, amounting to at least 120 violations separately punishable under  
15 Section 30820(a)(2). Therefore, at the maximum legal rate, he is subject to civil liability for these  
16 violations in the amount of at least \$3,600,000.00 (*i.e.*, 120 x \$30,000.00) based on the number of such  
17 violations currently known to SOCC (the amount of the civil fines could increase as more violations  
18 are discovered by SOCC).

19           E.     Defendant VARGAS violated Public Resources Code Sections 30324 and  
20 30327(a) at least 75 times each, amounting to at least 150 violations separately punishable under  
21 Section 30820(a)(2). Therefore, at the maximum legal rate, he is subject to civil liability for these  
22 violations in the amount of at least \$4,500,000.00 (*i.e.*, 150 x \$30,000.00) based on the number of such  
23 violations currently known to SOCC (the amount of the civil fines could increase as more violations  
24 are discovered by SOCC).

25           20.     Any civil fine or civil liability must be paid by Defendants personally, with their private  
26 funds and not with monies from the California Coastal Commission or any other public source.  
27 Combined civil fines and liabilities for Defendants based on the estimates in Paragraphs 17-19 could  
28 be as follows: at least \$5,250,000.00 for Defendant KINSEY; at least \$3,600,000.00 for Defendant

1 HOWELL; at least \$3,150,000.00 for Defendant McCLURE; at least \$4,500,000.00 for Defendant  
2 MITCHELL; and at least \$5,625,000.00 for Defendant VARGAS.<sup>5</sup>

3 21. There is a good-faith dispute between SOCC, on the one hand, and Defendants, on the  
4 other hand, as to whether the preceding allegations in this cause of action are true. SOCC contends that  
5 they are at least partly true. SOCC is informed and believes and on that basis alleges that Defendants  
6 contend that none of them is true. The parties therefore require a judicial determination of the issue.

7 **SECOND CAUSE OF ACTION:**  
8 **Violation of Laws Prohibiting Acceptance of Gifts**  
9 **(Against Defendant McClure)**

10 22. Paragraphs 1 through 21 are fully incorporated into this paragraph.

11 23. On an evening immediately following a meeting of the California Coastal Commission,  
12 Defendant McClure accepted overnight accommodations for herself and her husband at the private  
13 residence of Donald Schmitz.

14 24. At the time, Defendant McClure was a “commissioner” and Mr. Schmitz was an  
15 “interested person” within the meaning of Public Resources Code Section 30327.5(b), and the value  
16 of the accommodations was in excess of \$10.00.

17 25. The accommodations accepted by Defendant McClure from Mr. Schmitz constituted a  
18 “gift” within the meaning of Public Resources Code Section 30327.5(d).

19 26. Defendant McClure’s acceptance of the gift from Mr. Schmitz violated Public Resources  
20 Code Section 30327.5(b).

21 **THIRD CAUSE OF ACTION:**  
22 **Violation of Laws Prohibiting Acceptance of Gifts**  
23 **(Against Defendant Mitchell)**

24 27. Paragraphs 1 through 21 are fully incorporated into this paragraph.

25 28. On or about February 3, 2015, Defendant Mitchell voted to approve what was commonly  
26 known as the City of Santa Barbara desalination project before the California Coastal Commission.  
27 At a minimum, in January 2015 and again in February 2015, Defendant Mitchell received a payment  
28 of \$5,000.00 from Carollo Engineers – for a total of \$10,000.00 for the two months.

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<sup>5</sup> These calculations are based on the suspected violations listed in the Attachments. SOCC is informed and believes and on that basis alleges that it is likely to discover additional violations once it has had a reasonable opportunity to complete the discovery authorized by law.



1           7. Any and all other relief that may be authorized by law but is not explicitly or  
2 specifically requested elsewhere in this Prayer.

3           B. *On the Second Cause of Action:*

4           1. A judgment determining or declaring that Defendant McClure violated Public  
5 Resources Code Section 30327.5 as alleged in this cause of action and shall pay (from her private  
6 funds) the maximum civil fine authorized by law for each such violation by her.

7           2. A judgment determining or declaring that Defendant McClure violated the  
8 California Coastal Act as alleged in this cause of action and shall pay (from her private funds) the  
9 maximum civil liability authorized by law for each such violation by him or her.

10          3. A judgment ordering Defendant McClure to pay her civil fine and/or civil  
11 liability to the California Coastal Commission as required by Public Resources Code Section 30823  
12 or as otherwise required by law.<sup>7</sup>

13          4. Injunctive relief directing Defendant McClure to correct each and every violation  
14 of the California Coastal Act that she committed.

15           C. *On the Third Cause of Action:*

16          1. A judgment determining or declaring that Defendant Mitchell violated Public  
17 Resources Code Section 30327.5 as alleged in this cause of action and shall pay (from her private  
18 funds) the maximum civil fine authorized by law for each such violation by her.

19          2. A judgment determining or declaring that Defendant Mitchell violated the  
20 California Coastal Act as alleged in this cause of action and shall pay (from her private funds) the  
21 maximum civil liability authorized by law for each such violation by him or her.

22          3. A judgment ordering Defendant Mitchell to pay her civil fine and/or civil liability  
23 to the California Coastal Commission as required by Public Resources Code Section 30823 or as  
24 otherwise required by law.<sup>8</sup>

25          4. Injunctive relief directing Defendant Mitchell to correct each and every violation  
26 of the California Coastal Act that she committed.

27  
28 

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<sup>7</sup> SOCC seeks to recover no portion of any civil fine or civil liability for itself.

<sup>8</sup> SOCC seeks to recover no portion of any civil fine or civil liability for itself.

1 D. Any and all legal fees and other expenses incurred by SOCC in connection with this  
2 cause of action, including but not limited to attorney fees as authorized by Code of Civil Procedure  
3 Section 1021.5, the California Coastal Act, or other applicable law.

4 E. Any and all further relief that this Court may deem appropriate.

5 Date: January 31, 2018.

Respectfully submitted,

6 BRIGGS LAW CORPORATION

7 By: Cory J. Briggs  
8 Cory J. Briggs

9 Attorneys for Plaintiff and Petitioner Spotlight on  
10 Coastal Corruption

Fourth Amended

**COMPLAINT FOR RECOVERY OF CIVIL FINES AND OTHER RELIEF AGAINST  
CALIFORNIA COASTAL COMMISSIONERS STEVE KINSEY, ERIK HOWELL,  
MARTHA McCLURE, WENDY MITCHELL, AND MARK VARGAS**

Attachment 1



Attachment 1: Defendant Steve Kinsey

	<u>Commissioner Matter Number/Description</u>	<u>Agenda Item</u>	<u>Hearing Date</u>	<u>Ex Parte Date</u>
1	Th 11a- A-5-LGP -14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach)	Th11a	1/8/2015	1/3/2015
2	Th 11a- A-5-LGP -14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach)	Th11a	1/8/2015	1/5/2015
3	4-13-001 (MRCA & SMMC, Los Angeles Co)	Th22b	2/12/2015	2/9/2015
4	Th 20b- LCP 4-MAL-14-0408-1(Malibu Coast Estate/CrummerTrust)	Th20b	2/12/2015	2/9/2015
5	9-14-1781 (City of Santa Barbara)	F12b	2/13/2015	2/9/2015
6	A-5-LGB-13-0223 (Meehan)	Th12a	3/10/2015	3/3/2015
7	W15b A-2-HMB-15-0006 (Campononico, Half Moon Bay)	W15b	3/11/2015	3/9/2015
8	Th13b- 5-13-1233 (City of Seal Beach, Bay City Partners & Marine Marina Beach House, Seal Beach)	Th13b	3/12/2015	3/9/2015
9	Th13b- 5-13-1233 (City of Seal Beach, Bay City Partners & Marine Marina Beach House, Seal Beach)	Th13b	3/12/2015	3/11/2015
10	Th12a-A5-LGP-13-0223(Meehan, Laguna Beach)	Th12a	3/12/2015	Undisclosed
11	W14a A-5-LGP-14-0034(Laguna Beach Golf and bungalow Village, LLC, The Ranch , Laguna Beach)	W14a	4/13/2015	4/13/2015
12	17-A-2-SON-13-0219(California Department of Parks and Recreation, Sonoma Co.)	W17a	4/14/2015	4/14/2015
13	17-A-2-SON-13-0219(California Department of Parks and Recreation, Sonoma Co.)	W17a	4/15/2015	4/14/2015
14	W13b- 5-14-1604 (Monarch Bay Club, Dana Point)	W13b	4/15/2015	4/14/2015
15	17-A-2-SON-13-0219(California Department of Parks and Recreation, Sonoma Co.)	W17a	4/15/2015	4/14/2015
16	Th 8a 2-12-014 (San Francisco Recreation and Park Department, Pacifica)	Th8a	4/16/2015	4/14/2015
17	4-14-0687 (Goleta Beach Revetment)	W22a	5/13/2015	4/29/2015
18	Item 16a-f: 4-10-040, 4-10-041,4-10-042,1-10-044,4-14-0598,4-14-1094	Th16a	5/14/2015	5/8/2015
19	Item 16a-f: 4-10-040, 4-10-041,4-10-042,1-10-044,4-14-0598,4-14-1094	Th16a	5/14/2015	5/14/2015
20	A-3-SNC-98-114-EDD (SNG)	F13a	5/15/2015	5/8/2015
21	A-3-SNC-98-114-EDD (Security National Guaranty, Inc. Sand City)	F13a	5/15/2015	5/8/2015
22	Th13B- 5-14-1213 (City of Newport Beach, Fire Rings)	Th13b	6/11/2015	6/1/2015
23	A-1-ARC-12-3 (Humboldt State University Foundation)	F11a	6/12/2015	6/5/2015
24	9-15-0162 (SONGS)	Th15a	8/11/2015	7/9/2015
25	6-10-0003 (Bernardo Shores Integral Communities)	Th24b	8/11/2015	8/10/2015
26	LCP-4-MAL-14-0408-1 (Crummer Trust)	W12b	8/11/2015	8/10/2015
27	PMP-6-PSD-14-0003-2 (San Diego Port)	Th22d	8/11/2015	8/10/2015
28	Th18B: A-5-LCP-15-0045 (Laguna Beach Fire Department Fuel Modification)	Th18b	8/13/2015	2/10/2015
29	18A: A-5-LGB-14-0037 (KOGA Properties, LLC, Laguna Beach)	Th18a	8/13/2015	2/10/2015
30	A-5-LGB-15-0045 (Laguna Beach Fuel Mod)	Th18b	8/13/2015	8/10/2015
31	22D- PMP-6-PSD-14-0003-2 (East Harbor Island Hotels)	Th22d	8/13/2015	8/10/2015
32	Th24B:6-15-0003(Integral Communities, Imperial Beach)	Th24b	8/13/2015	8/10/2015
33	Th15A- 9-15-0162 (Southern California Edison Co., San Diego Co)	Th15a	8/13/2015	Undisclosed
34	5-15-2097 (Newport Banning Ranch)	W9b	10/6/2015	12/22/2015
35	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	2/5/2014
36	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	2/19/2014
37	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	7/21/2015
38	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	9/28/2015
39	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	10/22/2015
40	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	11/4/2015
41	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	12/15/2015
42	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	12/22/2015

Attachment 1: Defendant Steve Kinsey

43	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	5/3/2016
44	LCP-4-MAL-14-0408-1 (Crummer Trust)	W13b	10/15/2015	7/16/2015
45	LCP-4-MAL-14-0408-1 (Crummer Trust)	W13b	10/15/2015	8/10/2015
46	LCP-4-MAL-14-0408-1 (Crummer Trust)	W13b	10/15/2015	8/10/2015
47	5/15/1931-Lambert, Venice, Los Angeles	17a	11/4/2015	10/26/2015
48	3-PSB-14-0057 (Silver Shoals)	Th19b	11/5/2015	3/25/2015
49	A-3-PSB-14-0057 (Silver shores Investors LLC, Pismo Beach)	19b	11/5/2015	10/26/2015
50	9-14-0489 (university of Southern California)	10a	12/9/2015	12/8/2015
51	LCP 5-NPB-14-0820-2 (Back Bay Landing, Newport Beach)	20a	12/10/2015	6/12/2015
52	2015-06-12_City of Newport Beach LCP Amendment No. LCP-5-NPB-14-0820-2 (Back Bay Landing)	20a	12/10/2015	6/12/2015
53	5-15-1992(Linda Isle, LLC, Newport Beach)	22c	12/10/2015	12/7/2015
54	4-10-040,4-4-10-04110-042,4-14-0598,4-10-044,4-14-1094Sweetwater Mesa	17a-f	12/10/2015	12/7/2015
55	A-3-CML-15-0033 (Carmel Fire Mangement Program, Carmel)	12b	12/11/2015	12/2/2015
56	A-5-VEN-15-0071 (Lunia and Ruchita, Venice, Los Angeles); A-5-VEN-16-0005(JUN, VENICE, LOS ANGELES); A-5- VEN-16-0006(KIM, VENICE, LOS ANGELES)	17a,b,c	2/11/2016	2/9/2016
57	A-3-SLO-15-0001 (Loprena)	Th19a	3/10/2016	2/29/2016
58	5-15-1459 (Newport Harbor Yacht Club, Newport Beah)	Th13a	3/10/2016	3/2/2016
59	5-15-2097 (Newport Banning Ranch)	Th11c	3/12/2016	5/3/2016
60	A-2-SON-13-0219(California Dept. of Parks and Recreation, Sonoma CO)	W17a	4/4/2016	4/4/2016
61	A-2-SON-13-0219(California Dept. of Parks and Recreation, Sonoma CO)	W17a	4/13/2016	4/11/2016
62	Application No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)	W17a	4/13/2016	5/4/2016
63	Application No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)	W17a	4/13/2016	5/25/2016
64	Application No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)	W17a	4/13/2016	6/1/2016
65	Minor Boundary Adjustment No. 2016- City of Newport Beach	Th 11a	4/14/2016	4/4/2016
66	LCP-5-NPB-14-0820-2 (Back Bay Landing)	W16.5a	5/24/2016	6/12/2015
67	LCPA-5-NPB-14-0820-2 (Back Bay Landing)	W16.5a	5/24/2016	10/14/2015
68	Huntington Beach Poseidon Desalination		?	4/23/2015
69	Diablo Canyon Decommissioning project		?	11/23/2015
70	Poseidon Desal		?	3/30/2016

"?" indicates hearing date has been postponed or could not be precisely determined.

Fourth Amended

**COMPLAINT FOR RECOVERY OF CIVIL FINES AND OTHER RELIEF AGAINST  
CALIFORNIA COASTAL COMMISSIONERS STEVE KINSEY, ERIK HOWELL,  
MARTHA McCLURE, WENDY MITCHELL, AND MARK VARGAS**

Attachment 2

Attachment 2: Defendant Erik Howell

	<u>Commissioner Matter Number/Description</u>	<u>Agenda Item</u>	<u>Hearing Date</u>	<u>Ex Parte Date</u>
1	A5-13-032: Newport Banning Ranch	W9b	10/7/2016	9/29/2015
2	Th 11a- A-5-LGP -14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach)	Th11a	1/8/2015	1/2/2015
3	Th 11a- A-5-LGP -14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach)	Th11a	1/8/2015	1/7/2015
4	W13a: A-3-MRB-06-064 (Black Hills Villas, Morro Bay)	W13a	2/11/2015	10/24/2014
5	W14A- Oceano Dunes State Vehicular Recreation Area (ODSVRA) CDP Review	W14a	2/11/2015	2/10/2105
6	Th13b- 5-13-1233 (City of Seal Beach, Bay City Partners & Marine Marina Beach House, Seal Beach)	Th13b	3/12/2015	3/10/2015
7	Th12a-A5-LGP-13-0223(Meehan, Laguna Beach)	Th12a	3/12/2015	Undisclosed
8	Th 8a 2-12-014 (San Francisco Recreation and Park Department, Pacifica)	Th8a	4/16/2015	4/14/2015
9	4-14-0687 (Goleta Beach County Park)	W22a	5/13/2015	4/28/2015
10	4-14-0687 (Goleta Beach County Park)	W22a	5/13/2015	4/28/2015
11	13A-A-3-SNC-98-114-EDD (Security National Guaranty, Inc. Sand City)	F13a	5/15/2015	5/14/2015
12	5-14-1571(Wrobel, Los Angeles)	Th12b	7/9/2015	7/2/2015
13	A-4-MAL-15-0042 (Keane)	W14a	8/11/2015	8/3/2015
14	4-15-0692 (Kellogg Avenue LLC)	W15a	8/12/2015	7/30/2015
15	4-15-0692 (Kellogg Avenue LLC)	W15a	8/12/2015	7/30/2015
16	5-15-0030(Sunshine Enterprises LP, Santa Monica)	W28a	9/9/2015	9/1/2015
17	025-13-1233 (City of Seal Beach, Bay City Partners & Marina Beach House, Seal Beach)	W16	9/9/2015	9/8/2015
18	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	5/5/2016
19	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	5/6/2016
20	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	Undisclosed
21	6-15-0424 (SeaWorld Orcah Enclosure Expansion)	Th14a	10/8/2015	10/4/2015
22	5-15-1931(Lampert, Venice, Los Angeles)	17a	11/4/2015	11/2/2015
23	A-3-PSB-14-0057 (Silver shoals Investors)	Th19b	11/5/2015	3/19/2015
24	A-3-PSB-14-0057 (South Silver Shoals)	Th19b	11/5/2015	5/22/2015
25	A-3-PSB-14-0057 (Silver shoals Investors)	19b	11/5/2015	10/29/2015
26	A-3-PSB-14-0057 (Silver shoals Investors)	19b	11/5/2015	11/3/2015
27	A-3-PSB-14-0057 (Silver shoals Investors)	19b	11/5/2015	11/4/2015
28	LCP-5-NPB-14-0820-2 (Back Bay Landing)	Th20a	12/10/2015	11/4/2015
29	LCP-4-STB-14-0834-2-Part A(Carpinteria agricultural overlay district corridor map)	16a	12/10/2015	12/9/2015
30	11-A-3-CML(Fire Management program, Carmel))	12b	12/11/2015	12/11/2015
31	5-15-2097 (Newport Banning Ranch)	Th11a	12/22/2015	5/5/2015
32	6-15-0142 (St. John Garabed Armenian Apostolic Church, San Diego)	17a	1/14/2016	1/11/2016
33	Newport Beach Back Bay Landing	W8	2/4/2016	11/4/2015
34	A-3-SLO-15-0001/Loperena	Th 24a	2/11/2016	1/20/2016
35	A-3-MRB-16-002 / Frye	Th24b	2/11/2016	1/23/2016
36	A-3-MRB-16-0002 (Frye, Morro Bay)	24b	2/11/2016	1/23/2016
37	3-16-0011 (UCSC, Monterey Co.)	25a	2/11/2016	2/2/2016
38	A-4-STB-14-14-016 (Carr,Santa Barbara Co)	Fri8c	3/11/2016	3/10/2016

**Attachment 2: Defendant Erik Howell**

39	A-4-STB-14-14-016 (Carr, Santa Barbara Co)	Fri 8c	3/11/2016	3/11/2016
40	A-3-PSB-15-0030 (Roza, Pismo Beach)	W11b	4/13/2016	3/23/2016
41	A-3-PSB-15-0030 (Roza, Pismo Beach)	W11b	4/13/2016	3/23/2016
42	A-2-SON-0129(California department of Parks and Recreation, Sonoma Co)	17a	4/13/2016	4/5/2016
43	A-2-SON-0129(California department of Parks and Recreation, Sonoma Co)	17a	4/13/2016	4/6/2016
44	Application No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)	W17a	4/13/2016	Undisclosed
45	A-5-EMB-16-0044 Schafer, Orange County	Th10a	5/12/2016	5/11/2016
46	A-5-MDR-16-0018 (Pacific Marina Ventures, LLC, Marina Del Rey)	Th11a	6/9/2016	6/8/2016
47	A-5-VEN-16-0056(Staff, Venice Los Angeles)	Th11b	6/9/2016	6/8/2016
48	2016-07-02_388 Windward OTD Appeal		?	3/23/2016

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Fourth Amended

**COMPLAINT FOR RECOVERY OF CIVIL FINES AND OTHER RELIEF AGAINST  
CALIFORNIA COASTAL COMMISSIONERS STEVE KINSEY, ERIK HOWELL,  
MARTHA McCLURE, WENDY MITCHELL, AND MARK VARGAS**

Attachment 3

**Attachment 3: Defendant Martha McClure**

	<u>Commissioner Matter Number/Description</u>	<u>Agenda Item</u>	<u>Hearing Date</u>	<u>Ex Parte Date</u>
1	33a: A-4-MAL-14-0047 (Ryan Family LLC, Malibu)	W33a	1/7/2015	1/6/2015
2	10b- A-5-LGP-14-0019 (Longi, Laguna Beach)	Th10b	1/8/2015	12/11/2015
3	Fri 13a-5-14-0770 (MDR Boat Central, LLP and Los Angeles County Department of Beaches and	F13a	1/9/2015	1/6/2015
4	4-13-001 (MRCA & SMMC)	Th22b	2/10/2015	2/6/2015
5	9-14-1781 (Santa Barbara Meyer Desalination Facility)	F12b	2/11/2015	2/6/2015
6	A-3-MRB-06-064 (Black Hill Villas)	W13a	2/11/2015	2/9/2015
7	W13a: A-3-MRB-06-064 (Black Hills Villas, Morro Bay)	W13a	2/11/2015	2/9/2015
8	4-13-001 (MRCA & SMMC, Los Angeles Co)	Th22b	2/12/2015	2/6/2015
9	Th 20b- LCP 4-MAL-14-0408-1(Malibu Coast Estate/CrummerTrust)	Th20b	2/12/2015	2/6/2015
10	LCPA-4-MAL-14-0408-1 (Crummer)	Th20b	2/12/2015	2/9/2015
11	Th 20b- LCP 4-MAL-14-0408-1(Malibu Coast Estate/CrummerTrust)	Th20b	2/12/2015	2/9/2015
12	Th 20b- LCP 4-MAL-14-0408-1(Malibu Coast Estate/CrummerTrust)	Th20b	2/12/2015	2/9/2015
13	W15b A-2-HMB-15-0006 (Campodonico, Half Moon Bay)	W15b	3/11/2015	3/6/2015
14	Th12a-A5-LGP-13-0223(Meehan, Laguna Beach)	Th12a	3/12/2015	3/6/2015
15	Th13b- 5-13-1233 (City of Seal Beach, Bay City Partners & Marine Marina Beach House, Seal B	Th13b	3/12/2015	3/6/2015
16	W14a A-5-LGP-14-0034(Laguna Beach Golf and bungalow Village, LLC, The Ranch , Laguna Be	W14a	4/15/2015	4/13/2015
17	W13b- 5-14-1604 (Monarch Bay Club, Dana Point)	W13b	4/15/2015	4/13/2015
18	A-5-LGB-14-0034 (Laguna Beach Golf and Bungalow Village - The Ranch)	W14a	4/15/2015	4/13/2015
19	Th 8a 2-12-014 (San Francisco Recreation and Park Department, Pacifica)	Th8a	4/16/2015	4/13/2015
20	4-10-40-42-44 - -598 & 1094 (Sweetwater Mesa)	Th16a-f	5/14/2015	5/7/2015
21	Item 16a-f: 4-10-040, 4-10-041,4-10-042,1-10-044,4-14-0598,4-14-1094	Th16a	5/14/2015	5/7/2015
22	13A-A-3-SNC-98-114-EDD (Security National Guaranty, Inc. Sand City)	F13a	5/15/2015	5/13/2015
23	Th 13f & 14a- 5-14-0200 (City of Newport Beach Dredging and Beach Nourishment) & CC-000	Th13f	6/11/2015	6/11/2015
24	A-4-MAL-15-0042 (Keane)	W14a	8/11/2015	8/3/2015
25	18A: A-5-LGB-14-0037 (KOGA Properties, LLC, Laguna Beach)	Th18a	8/13/2015	8/5/2015
26	Th18b: A-5-LGB-15-0045 (Laguna Beach Fire Department Fuel Modification)	Th18b	8/13/2015	8/5/2015
27	Th15A- 9-15-0162 (Southern California Edison Co., San Diego Co)	Th15a	8/13/2015	8/7/2015
28	9-15-0228 (SONGS)	Tu14a	10/5/2015	10/6/2015
29	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	10/6/2015
30	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	10/6/2015
31	4-15-0390 (Broad Beach)	F8a	10/7/2015	10/6/2015
32	4-15-0390 (Broad Beach)	F8a	10/7/2015	10/9/2015
33	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	12/10/2015
34	6-15-0424 (Sea World Orca Enclosure Expansion, San Diego)	Th14a	10/8/2015	10/1/2015

**Attachment 3: Defendant Martha McClure**

35	LCPA-4-MAL-14-0408-1 (Crummer)	W13b	10/15/2015	4/13/2015
36	5-15-1931-(Lambert, Venice, Los Angeles)	W17a-f	11/4/2015	10/28/2015
37	5-15-1931-(Lambert, Venice, Los Angeles)	W17a	11/4/2015	11/4/2015
38	A-3-PSB-14-0057 (Silver shores Investors LLC, Pismo Beach)	Th19b	11/5/2015	10/28/2015
39	4-10-040;,4-4-10-04110-042,4-14-0598,4-10-044,4-14-1094Sweetwater Mesa	Th17a-f	12/10/2015	12/7/2015
40	A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)	W17a	4/13/2016	4/5/2016
41	6-11-044(Mission Beach Lifeguard Station)		?	9/30/2015
42	Poseidon Desal		?	11/3/2015

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Fourth Amended

**COMPLAINT FOR RECOVERY OF CIVIL FINES AND OTHER RELIEF AGAINST  
CALIFORNIA COASTAL COMMISSIONERS STEVE KINSEY, ERIK HOWELL,  
MARTHA McCLURE, WENDY MITCHELL, AND MARK VARGAS**

Attachment 4

Attachment 4: Defendant Wendy Mitchell

	<u>Commissioner Matter Number/Description</u>	<u>Agenda Item</u>	<u>Hearing Date</u>	<u>Ex Parte Date</u>
1	5-14-0770 (MDR Boating)	F13a	1/6/2015	12/30/2014
2	A-4-MAL-14-0047 (Ryan Family LLC)	W33a	1/6/2015	12/30/2014
3	33a: A-4-MAL-14-0047 (Ryan Family LLC, Malibu)	W33a	1/7/2015	12/30/2014
4	19a-A-2-MAR-14-0059(Barn Project LLC< Marin Co)	W19a	1/7/2015	Undisclosed
5	A-5-LGB-14-0034 (Laguna Beach Golf & Bungalow Village - The Ranch)	Th11a	1/8/2015	12/30/2014
6	Th 11a- A-5-LGP -14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach)	Th11a	1/8/2015	1/6/2015
7	Th 11a- A-5-LGP -14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach)	Th11a	1/8/2015	1/6/2015
8	10b- A-5-LGP-14-0019 (Longi, Laguna Beach)	Th10b	1/8/2015	1/7/2015
9	9-14-1781 Meyer Desalination Plant	F12a	2/11/2015	2/4/2015
10	W13a: A-3-MRB-06-064 (Black Hills Villas, Morro Bay)	W13a	2/11/2015	2/6/2015
11	W14A- Oceano Dunes State Vehicular Recreation Area (ODSVRA) CDP Review	W14a	2/11/2015	2/10/2015
12	Th 20b- LCP 4-MAL-14-0408-1(Malibu Coast Estate/CrummerTrust)	Th20b	2/12/2015	2/9/2015
13	Th 20b- LCP 4-MAL-14-0408-1(Malibu Coast Estate/CrummerTrust)	Th20b	2/12/2015	2/9/2015
14	Th 20b- LCP 4-MAL-14-0408-1(Malibu Coast Estate/CrummerTrust)	Th20b	2/12/2015	2/12/2015
15	A-2-HMB-15-0006 (Camponico)	W15b	3/11/2015	3/3/2015
16	Th12a-AS-LGP-13-0223(Meehan, Laguna Beach)	Th12a	3/12/2015	3/9/2015
17	5-15-2097 (Banning Ranch)	Th11c	3/12/2015	12/10/2015
18	17-A-2-SON-13-0219(California Department of Parks and Recreation, Sonoma Co.)	W17a	4/15/2015	4/12/2015
19	Item 16a-f: 4-10-040, 4-10-041,4-10-042,1-10-044,4-14-0598,4-14-1094	Th16a	5/14/2015	5/11/2015
20	Item 16a-f: 4-10-040, 4-10-041,4-10-042,1-10-044,4-14-0598,4-14-1094	Th16a	5/14/2015	5/12/2015
21	13A-A-3-SNC-98-114-EDD (Security National Guaranty, Inc. Sand City	Fri 13a	5/15/2015	5/14/2015
22	Newport Beach Fire Rings fir ring impacts	Th13b	6/9/2015	1/12/2015
23	Redondo Beach Waterfront Project	W12a	7/7/2015	1/13/2015
24	5-14-1571 (Wrobel, Los Angeles)	Th12b	7/9/2015	7/1/2015
25	Malibu LCP Amendment LCP-4-MAL-14-0408-1 (Malibu Coast Estate -Crummer Trust)	W12b	8/12/2015	2/4/2015
26	A-4-MAL-15-0042(Keane, Malibu)	W14a	8/12/2015	8/5/2015
27	18A: A-5-LGB-14-0037 (KOGA Properties, LLC, Laguna Beach)	Th18a	8/12/2015	8/10/2015
28	22D- PMP-6-PSD-14-0003-2 (East Harbor Island Hotels)	Th22d	8/13/2015	8/6/2015
29	A-5-LGB-14-0037 (KOGA Properties, LLC, Laguna Beach)	Th18a	8/13/2015	8/7/2015
30	22D- PMP-6-PSD-14-0003-2 (East Harbor Island Hotels)	Th22d	8/13/2015	8/7/2015
31	Th15A- 9-15-0162 (Southern California Edison Co., San Diego Co)	Th15a	8/13/2015	8/7/2015
32	A-5-LGB-15-0045 (Laguna Beach Fire Department Fuel Modification)	Th18b	8/13/2015	8/7/2015
33	Th24B:6-15-0003(Integral Communities, Imperial Beach)	Th14b	8/13/2015	8/10/2015
34	9-15-0228 (SONGS)	Tu14a	10/5/2015	9/21/2015
35	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	12/10/2015
36	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	1/8/2016
37	6-15-0424 (Seaworld)	Th14a	10/8/2015	9/29/2015
38	6-15-0424(SeaWorld)	Th14a	10/8/2015	10/2/2015
39	6-15-0424(SeaWorld)	Th14a	10/8/2015	10/2/2015
40	6-15-0424(SeaWorld)	Th14a	10/8/2015	10/8/2015
41	5-15-0810 (City of Los Angeles Force Main Sewer)	F12e	10/9/2015	9/10/2015
42	5-13-1233 (Bay City Partners)	Th13b	12/1/2015	3/3/2015
43	4-10-040-42-44 - 4-14-0598-1094 (Sweetwater Mesa)	Th17a-f	12/10/2015	12/3/2015
44	6-15-0142- St. John's Garabed Church	Th17a	1/14/2016	1/8/2016
45	Application No. 6-15-0142 (St. John Garabed Armenian Apostolic Church, San Diego)	Th17a	1/14/2016	1/11/2016

**Attachment 4: Defendant Wendy Mitchell**

46	Application No. 6-15-0142 (St. John Garabed Armenian Apostolic Church, San Diego)	Th17a	1/14/2016	1/11/2016
47	A-3-SLO-15-0001 (Loprena)	Th19a	3/10/2016	3/3/2016
48	5-15-1459 Newport Harbor yacht Club	Th13a	3/10/2016	3/4/2016
49	5-16-0095- Bolkin	Th25c	3/10/2016	3/4/2016
50	5-15-1459(Newport Harbor Yacht Club, Newport Beach)	TH13a	3/10/2016	3/4/2016
51	5-16-0095 (Bolkin, Los Angeles)	Th 25c	3/10/2016	3/4/2016
52	Application No. 5-16-0095	25c	3/10/2016	3/4/2016
53	A-3-SLO-15-0001- Loperena	Th 24a	3/11/2016	3/3/2016
54	Boundary Adjustment 2016-001 (Newport Beach)	Th11a	4/12/2016	4/7/2016
55	A-2-SON-13-0219(California Dept. of Parks and Recreation, Sonoma CO)	W17a	4/13/2016	4/7/2016
56	A-2-SON-13-0219(California Dept. of Parks and Recreation, Sonoma CO)	W17a	4/13/2016	4/8/2016
57	Application No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)	W17a	4/13/2016	Undisclosed
58	Application No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)	W17a	4/13/2016	Undisclosed
59	Boundary adjustment 2016-001- Newport	Th11a	4/14/2016	4/7/2016
60	A-2-MAR-08-28-AI-EDD (Lawson's Landing)		?	4/11/2016

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Fourth Amended

**COMPLAINT FOR RECOVERY OF CIVIL FINES AND OTHER RELIEF AGAINST  
CALIFORNIA COASTAL COMMISSIONERS STEVE KINSEY, ERIK HOWELL,  
MARTHA McCLURE, WENDY MITCHELL, AND MARK VARGAS**

Attachment 5

Attachment 5: Defendant Mark Vargas

	<u>Commissioner Matter Number/Description</u>	<u>Agenda Item</u>	<u>Hearing Date</u>	<u>Ex Parte Date</u>
1	5-14-0770 (MDR Boat Central LLP & LA County Dept of Bch and Harbors)	F13a	1/6/2015	1/2/2015
2	10b- A-5-LGP-14-0019 (Longi, Laguna Beach)	Th10b	1/8/2015	12/11/2014
3	A-5-LGB-14-0034 (Laguna Beach Golf & Bungalow Village)	Th11a	1/8/2015	1/2/2015
4	A-5-LGB-14-0034 (Laguna Beach Golf & Bungalow Village)	Th11a	1/8/2015	1/2/2015
5	Th 11a- A-5-LGP -14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach)	Th11a	1/8/2015	1/2/2015
6	Th 11a- A-5-LGP -14-0034 (Laguna Beach Golf and Bungalow Village, LLC/The Ranch, Laguna Beach)	Th11a	1/8/2015	1/2/2015
7	Fri 13a-5-14-0770 (MDR Boat Central, LLP and Los Angeles County Department of Beaches and Harbor, I	F13a	1/9/2015	1/2/2015
8	Malibu LCPA 4-MAL-14-0408-1 (Malibu Coast Estate & Crummer Trust)	Th20b	1/9/2015	2/6/2015
9	Malibu LCPA 4-MAL-14-0408-1 (Malibu Coast Estate & Crummer Trust)	Th20b	2/10/2015	2/10/2015
10	4-13-001 (Santa Monica Mountain Conservancy & MRCA)	Th22b	2/10/2015	2/11/2015
11	9-14-1781 (City of Santa Barbara desal plant)	F12b	2/11/2015	2/10/2015
12	A-3-MRB-06-064 (Black Hill Villas)	W13a	2/11/2015	2/10/2015
13	Ocean Dunes State Vehicular Recreation Area	W14a	2/11/2015	2/10/2015
14	W14A- Oceano Dunes State Vehicular Recreation Area (ODSVRA) CDP Review	W14a	2/11/2015	2/10/2015
15	W13a: A-3-MRB-06-064 (Black Hills Villas, Morro Bay)	W13a	2/11/2015	2/10/2015
16	Th 20b- LCP 4-MAL-14-0408-1(Malibu Coast Estate/CrummerTrust)	Th20b	2/12/2015	2/5/2015
17	Th 20b- LCP 4-MAL-14-0408-1(Malibu Coast Estate/CrummerTrust)	Th20b	2/12/2015	2/6/2015
18	Th 20b- LCP 4-MAL-14-0408-1(Malibu Coast Estate/CrummerTrust)	Th20b	2/12/2015	2/10/2015
19	4-13-001 (MRCA & SMMC, Los Angeles Co)	Th22b	2/12/2015	2/11/2015
20	Fri12b- 9-14-1781 (City of Santa Barbara)	F12b	2/13/2015	2/10/2015
21	A-2-HMB-15-0006 (Camponico)	W15b	3/11/2015	3/9/2015
22	W15b A-2-HMB-15-0006 (Campodonico, Half Moon Bay)	W15b	3/11/2015	3/9/2015
23	Th12a-A5-LGP-13-0223(Meehan, Laguna Beach)	Th12a	3/12/2015	3/9/2015
24	Th13b- 5-13-1233 (City of Seal Beach, Bay City Partners & Marine Marina Beach House, Seal Beach)	Th13b	3/12/2015	3/9/2015
25	4-12-057 (Paradise Cove)	F22b	4/14/2015	4/7/2015
26	W13b- 5-14-1604 (Monarch Bay Club, Dana Point)	W13b	4/15/2015	4/14/2015
27	W14a A-5-LGP-14-0034(Laguna Beach Golf and bungalow Village, LLC, The Ranch , Laguna Beach)	W14a	4/15/2015	4/14/2015
28	Th 8a 2-12-014 (San Francisco Recreation and Park Department, Pacifica)	Th8a	4/16/2015	4/14/2015
29	Malibu LCPA 4-MAL-15-0001-1 (Civic Center Wastewater Treatment)	W20a	5/12/2015	3/9/2015
30	13A-A-3-SNC-98-114-EDD (Security National Guaranty, Inc. Sand City)	F13a	5/15/2015	5/13/2015
31	13A-A-3-SNC-98-114-EDD (Security National Guaranty, Inc. Sand City)	F13a	5/15/2015	5/14/2015
32	A-5-LGB-13-0223 (Meehan)	Th15a	6/11/2015	3/9/2015
33	Th 13f & 14a- 5-14-0200 (City of Newport Beach Dredging and Beach Nourishment) & CC-0002-15	Th13f	6/11/2015	6/9/2015
34	LCP-4-MAL-14-0408-1 (Crummer)	W12b	8/12/2015	8/10/2015
35	LCP-4-MAL-14-0408-1 (Crummer)	W12b	8/12/2015	8/10/2015
36	A-4-MAL-15-0042(Keane, Malibu)	W14a	8/12/2015	8/11/2015
37	22D- PMP-6-PSD-14-0003-2 (East Harbor Island Hotels)	Th22d	8/13/2015	8/5/2015
38	18A: A-5-LGB-14-0037 (KOGA Properties, LLC, Laguna Beach)	Th18a	8/13/2015	8/10/2015
39	Th24B:6-15-0003(Integral Communities, Imperial Beach)	Th24b	8/13/2015	8/10/2015
40	Th15A- 9-15-0162 (Southern California Edison Co., San Diego Co)	Th15a	8/13/2015	8/11/2015
41	LCPA-5-NPB-14-0831-3 (Lido House Hotel)	W9a	10/1/2015	10/5/2015

Attachment 5: Defendant Mark Vargas

42	9-15-0228 (SONGS)	Tu14a	10/5/2015	9/24/2015
43	9-14-1735-A1 & A-3-MRA-14-0050-A1 (CalAm)	Tu15a	10/5/2015	10/5/2015
44	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	9/21/2015
45	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	9/21/2015
46	4-15-0390 (Broad Beach)	F8a	10/7/2015	10/6/2015
47	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	11/10/2015
48	A5-13-032: Newport Banning Ranch	W9b	10/7/2015	12/10/2015
49	6-15-0424 (SeaWorld Orca)	Th14a	10/8/2015	9/24/2015
50	6-15-0424 (Seaworld)	Th14a	10/8/2015	10/1/2015
51	5-15-1931-(Lambert, Venice, Los Angeles)	W17a	11/4/2015	10/27/2015
52	A-3-PSB-14-0057 (Silver shores Investors LLC, Pismo Beach)	Th19b	11/5/2015	10/27/2015
53	City of Newport Beach LCP Amendment No. LCP-5-NPB-14-0820-2 (Back Bay Landing)	Th20a	12/10/2015	11/4/2015
54	4-10-040;;4-4-10-04110-042,4-14-0598,4-10-044,4-14-1094Sweetwater Mesa	Th17a-f	12/10/2015	12/8/2015
55	Application No. 5-14-1919 (City of Los Angeles, Ice Skating Ring, Venice)	20a	1/13/2016	1/5/2016
56	Application No. 6-15-0142 (St. John Garabed Armenian Apostolic Church, San Diego)	17a	1/14/2016	1/11/2016
57	Application No. 6-15-0142 (St. John Garabed Armenian Apostolic Church, San Diego)	17a	1/14/2016	1/12/2016
58	A-5-MDR-12-161 (Permit extension)	Th15	2/11/2016	2/11/2016
59	5-03-071-A3/A-5-VEN-15-0025	F19b & 20a	2/12/2016	2/3/2016
60	A-3-SLO-15-0001 (Loprena)	Th19a	3/10/2016	3/1/2016
61	A-4-STB-14-14-016(Carr,Santa Barbara Co)	Fri8c	3/11/2016	3/8/2016
62	Application No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)	W17a	4/13/2016	4/4/2016
63	Application No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)	W17a	4/13/2016	4/12/2016
64	Application No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)	W17a	4/13/2016	4/12/2016
65	Application No. A-2-SON-13-0219 (California Department of Parks and Recreation, Sonoma Co.)	W17a	4/13/2016	4/12/2016
66	Minor Boundary Adjustment No. 2016- City of Newport Beach	Th 11a	4/14/2016	4/14/2016
67	15-0555 (BAE Systems San Diego Ship Repair)	W13b	5/11/2016	5/4/2016
68	A-5-EMB-16-0044 Schafer, Orange County	Th10a	5/12/2016	5/11/2015
69	A-5-MDR-16-0004 (MDR Hotel)	Fr 17b	5/13/2016	5/6/2016
70	A-5-MDR-16-0004 (MDR Hotel)	Fr 17b	5/13/2016	5/11/2016
71	A-5-MDR-16-0004 (MDR Hotel)	Fr 17b	5/13/2016	5/12/2016
72	A-5-MDR-12-161-E2 LA County Beaches and Harbors	Fr 19a	5/13/2016	5/12/2016
73	A5-13-032: Newport Banning Ranch		?	12/10/2015
74	A5-13-032: Newport Banning Ranch		?	1/22/2016
75	A5-13-032: Newport Banning Ranch		?	4/26/2016

"?" indicates hearing date has been postponed or could not be precisely determined.

**VERIFICATION**

STATE OF CALIFORNIA, COUNTY OF San Bernardino

I have read the foregoing FOURTH AMENDED COMPLAINT FOR RECOVERY OF CIVIL FINES AND OTHER RELIEF AGAINST CALIFORNIA COASTAL COMMISSIONERS and know its contents.

**CHECK APPLICABLE PARAGRAPH**

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am  an Officer  a partner \_\_\_\_\_  a \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.  I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.  The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for Spotlight on Coastal Corruption a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on January 31, 20 18, at San Diego, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Cory J. Briggs  
Type or Print Name

Cory J. Briggs  
Signature

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF \_\_\_\_\_, State of California. I am employed in the county of \_\_\_\_\_, State of California. I am over the age of 18 and not a party to the within action; my business address is, \_\_\_\_\_

On \_\_\_\_\_, 20 \_\_\_\_\_, I served the foregoing document described as \_\_\_\_\_

\_\_\_\_\_ on \_\_\_\_\_ in this action  
 by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:  
 by placing  the original  a true copy thereof enclosed in sealed envelopes addressed as follows:

**BY MAIL**  
 \* I deposited such envelope in the mail at \_\_\_\_\_, California. The envelope was mailed with postage thereon fully prepaid.  
 As follows I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at \_\_\_\_\_ California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_, California.  
 \*(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.  
 Executed on \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_, California.  
 (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct. I  
 (Federal) declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Signature

\* (By MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)  
\*\*(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

**PROOF OF SERVICE**

1. My name is Janna Ferraro. I am over the age of eighteen. I am employed in the State of California, County of San Diego.
2. My  business  residence address is Briggs Law Corporation, 4891 Pacific Highway, Suite 104, San Diego, CA 92110.
3. On February 2, 2018, I served  an original copy  a true and correct copy of the following documents: Stipulation for Leave to File Fourth Amended Complaint for Recovery of Civil Fines and Other Relief against California Coastal Commissioners Steve Kinsey, Erik Howell, Martha McClure, Wendy Mitchell, and Mark Vargas and Petition for Writ of Mandate; [Proposed] Order Thereon

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:
- by personal service.** I personally delivered the documents to the person(s) at the address(es) indicated on the list.
- by U.S. mail.** I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

deposited the envelope/package with the U.S. Postal Service

placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of San Diego, California.

- by overnight delivery.** I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.
- by facsimile transmission.** Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.
- by e-mail delivery.** Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

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

Date: February 2, 2018

Signature: 



1 **SERVICE LIST**

2 *Spotlight on Coastal Corruption v. v. Steve Kinsey et al.*  
3 San Diego County Superior Court Case No. 37-2016-00028494-CU-MC-CTL

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4 Xavier Becerra  
5 David Alderson  
6 Joel S. Jacobs  
7 Office of the Attorney General  
8 1515 Clay Street, 20th Floor  
9 P.O. Box 70550  
10 Oakland, CA 94612-0550  
11 [joel.jacobs@doj.ca.gov](mailto:joel.jacobs@doj.ca.gov)

Attorneys for Defendants Steve Kinsey,  
Erik Howell, Martha McClure, Wendy  
Mitchell, and Mark Vargas

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