SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE Central Justice Center 700 W. Civic Center Drive Santa Ana, CA 92702	
SHORT TITLE: Riddle vs. Barke	
CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE	CASE NUMBER: **30-2023-01345870-CU-MC-CJC**

I certify that I am not a party to this cause. I certify that a true copy of the above Minute Order dated 09/03/26 has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated below. This certification occurred at Santa Ana, California on 9/8/26. Following standard court practice the mailing will occur at Sacramento, California on 9/9/26.

LAW OFFICE OF KYLE GURWELL
10055 SLATER AVENUE 250
FOUNTAIN VALLEY, CA 92708

Clerk of the Court, by: ______________________, Deputy

I certify that I am not a party to this cause. I certify that that the following document(s), Minute Order dated 09/03/26, was transmitted electronically by an Orange County Superior Court email server on September 8, 2026, at 7:49:31 AM PDT. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

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Clerk of the Court, by: ______________________, Deputy

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 09/03/2026 TIME: 07:30:00 AM DEPT: C34

JUDICIAL OFFICER PRESIDING: H. Shaina Colover
CLERK: S. Gorman
REPORTER/ERM: None
BAILIFF/COURT ATTENDANT: None

CASE NO: **30-2023-01345870-CU-MC-CJC** CASE INIT.DATE: 08/25/2023
CASE TITLE: **Riddle vs. Barke**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Misc Complaints - Other

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EVENT ID/DOCUMENT ID: 74949034
EVENT TYPE: Chambers Work

APPEARANCES

There are no appearances by any party.

The Court's proposed statement of decision was served on July 15, 2026. Timely objections were thereafter filed, (ROA # 375 filed by Defendant on 7/24/26, and ROA # 380 filed by Plaintiff on 7/30/26), as well as an untimely objection/reply to plaintiff's limited objections (ROA # 377 filed by Defendant 8/4/26), and an objection to defendant's reply (ROA # 383 filed by Plaintiff 8/4/26). The Court has required additional time to consider the objections, review the record, and determine whether revisions to the proposed statement of decision are warranted.

Pursuant to California Rules of Court, rule 3.1590(m), and good cause appearing, the Court excuses noncompliance with the time prescribed by rule 3.1590(l) for signing and filing judgment and extends said time to 10/9/26. The Court has considered and ruled upon the objections as set forth in the accompanying final statement of decision. **A Judgment consistent with the courts final decision herein shall be promptly prepared, filed and served by Plaintiff by or before 9/15/26.**

Court orders Clerk to give notice.

FINAL STATEMENT OF DECISION
(30-2023-01345870)
LYNNE RIDDLE V. MARILYN BARKE

Having thoughtfully considered the applicable law, properly admitted evidence and stipulations, testimony of the trial witnesses and the arguments, briefing and timely objections of each party, (including consideration of the credibility of the witnesses and weight of the documentary evidence), the Court's final statement of decision is as follows:

I. Background

This action arises under California's Political Reform Act ("PRA"), Gov. Code § 81000 et seq., including the civil enforcement provisions contained in Gov. Code §§ 91004 and 91005. Plaintiff Lynne Riddle, a private citizen, alleges that Defendant Marilyn R. Barke, who is an elected member of the Orange County Board of Education ("OCBOE"), failed to disclose millions of dollars in income and other assets on her Form 700, as required by the PRA. Defendant claims that the Fair Political Practices Commission ("FPPC") held an administrative proceeding where Defendant Barke admitted to violations and was fined, and that FPPC action preempts/precludes the current civil matter, both as a matter of law and as a matter of public policy.

The purpose of the PRA is to ensure transparency, promote public confidence in governmental integrity, and permit the electorate to evaluate potential conflicts of interest among public officials. Accurate financial disclosure is central to that statutory purpose. Under Govt Code §91007, a private person residing within the jurisdiction may bring an enforcement action. As a prerequisite, however, the private party must first request that the District Attorney ("DA") commence an action, then allow 120 days for the DA to either file an action or decline to do so.

Plaintiff filed a sworn request to the Orange County District Attorney on February 8, 2023, pursuant to Government Code §91007, requesting civil enforcement for alleged PRA violations by Defendant. On February 8, 2023, Plaintiff also filed a sworn complaint with the Fair Political Practices Commission (FPPC) alleging that Defendant failed to disclose required interests. Following the lapse of the 120 day statutory enforcement period without prosecutorial action, Plaintiff commenced this civil enforcement action on August 25, 2023. Plaintiff's civil complaint alleges five (5) causes of action for failure to disclose under the Fair Political Practices Act, (including causes of action alleging a false 2018 assuming office disclosure statement and false annual disclosures in 2018, 2019, 2020, and 2021). On September 12, 2024, the FPPC proposed a settlement finding Mrs. Barke liable on 16 counts and requesting a total payment of $3,200 ($200/per violation- 4 counts for not reporting income from the

California Policy Center, 12 counts for community property income; see Exhibit 66).). Mrs. Barke agreed to the settlement and paid the $3,200 penalty.

This matter came on regularly for bench trial before the Honorable H. Shaina Colover in Department C34 of the Orange County Superior Court on February 24, 2026 at 1:30p.m., and proceeded over 2 days, concluding on February 27, 2026 at 4:30 p.m.. Plaintiff appeared through counsel Lee K. Fink and Kyle N. Gurwell, and Defendant appeared through counsel Mark S. Rosen. The Court received documentary and testimonial evidence, (including testimony from both parties and stipulations regarding facts), admitted various trial exhibits, (many by way of stipulation of the parties), and received evidence relating to Defendant's knowledge, experience, and corrective efforts. The parties submitted written closing arguments.

II. Relevant Facts

The parties **stipulated** to numerous facts at trial, including the following:

- Defendant Marilyn R. Barke is and has been an elected member of the Orange County Board of Education ("OCBE") since taking office on July 11, 2018.
- Plaintiff filed a sworn request to the Orange County District Attorney on February 8, 2023, pursuant to Government Code §91007, requesting civil enforcement of PRA violations.
- On February 8, 2023, Plaintiff filed a sworn complaint with the Fair Political Practices Commission (FPPC).
- The District Attorney did not file a civil action within the 120-day statutory period.
- Defendant is a "code filer," under the PRA and the OCBE Conflict of Interest Code.
- Defendant declared her candidacy February 13, 2018.
- Defendant filed an Assuming Office Form 700 on February 15, 2019.
- Defendant filed Annual Form 700s for the years 2018, 2019, 2020, and 2021.
- On February 9, 2023, the Enforcement Division of the FPPC sent Mrs. Barke a letter notifying her of the complaint. Thereafter, the FPPC decided to investigate.
- On March 31, 2023, Defendant filed amended disclosure statements for 2018 Assuming Office Form 700 and annual Form 700s for 2019, 2020, and 2021.
- These amended filings reported for the first time:
    - a. Community Property share of over $100,000 annual income from each: i. Personal Care Physicians, Newport Beach ("PCPNB"), ii. Personal Care Physicians, Irvine ("PCPI"), and iii. Jeffrey I. Barke, M.D., Inc.;
    - b. Interests in PCPNB and PCPI valued at over $1,000,000;
    - c. Real Property at 3142 Tucker Lane valued at over $1,000,000
    - d. Income from the California Policy Center between $10,000 and $100.000 annually
    - e. A previously undisclosed $750 gift from 2021 from Pepperdine University.
- On September 12, 2024, the FPPC proposed a settlement finding Mrs. Barke liable on 16 counts and a total payment of $3,200;
- Mrs. Barke agreed to the settlement, signed a stipulation and paid $3,200.
- On October 17, 2024. the FPPC approved the settlement.

(ROA No. 304- Stipulated Facts; 2/27 Tr. at pp. 61:8-62:5.)

In addition to the stipulated facts, Plaintiff presented evidence that Defendant Barke admitted to 16 different violations of the PRA related to her annual Form 700 filings for 2018, 2019, 2020 and 2021. (Tr. Ex. 66.) Moreover, Plaintiff presented evidence that Defendant never filed an initial Candidate Assuming Office Form 700 and failed to amend and correct her 2018 Assuming Office statement. Finally, Plaintiff was required to prove that she was a resident of the jurisdiction, (i.e. the County of Orange), and Plaintiff established that fact at trial, as well. (Tr. at p. 75:2-4.)

III. <u>Political Reform Act & FPPC Administrative Settlement</u>

Under the PRA, candidates for local office, local elected officials, and other designated officeholders ("code filers") are required to disclose their own income, investments, business positions, and real property holdings, as well as their spouse's economic interests and their community property share of their spouse's income, on a Statement of Economic Interests Form, ("Form 700"), prescribed by the Fair Political Practices Commission.

The PRA sets forth three independent tracks for enforcement of violations of the disclosure requirements. ***Administrative enforcement*** is available through the FPPC (Gov. Code, § 91000.5) and ***criminal enforcement*** is available through the appropriate prosecutor (*id.*, § 91000). On a parallel track is a ***civil enforcement*** provision, either through the civil prosecutor or through a citizen action such as this case. (Gov. Code, § 91003; 91005.5.) While the law prohibits any person from *filing* a civil action "if the criminal prosecutor is maintaining a criminal action against that person" (Gov. Code, § 91005.5 [emphasis added]), the law makes clear that a civil filing is improper only if the FPPC "has **issued an order pursuant to Section 83116,**" then "[n]o civil action may be filed under. . . ." (Gov. Code, § § 91008.5 [emphasis added].) An order under Section 83116 is one that, follows a "hearing conducted in accordance with the Administrative Procedure Act" and a "determin[ation] on the basis of the hearing that a violation has occurred."

During the pendency of this action, Defendant entered into an administrative settlement with the FPPC resolving certain allegations for administrative purposes and paid administrative penalties. The Court finds that **administrative disposition does not bar this civil action nor preclude further relief** for several reasons, (including those set forth in overruling Defendant's Demurrer, ROA 27, and per Tr. Ex. 66).

First, the FPPC never conducted a hearing on the matter. The FPPC administrative proceeding did not involve an evidentiary adjudication of the facts presently before this Court. The FPPC never deposed or interviewed Defendant, never conducted discovery, examined witnesses, or otherwise litigated issues presented in this civil matter. Plaintiff was also not interviewed or afforded the opportunity to participate in the FPPC proceeding.

Additionally, the administrative settlement appears limited primarily to a numerical accounting of filing violations and did not fully address willfulness/recklessness, adequacy of corrective efforts, continuing deficiencies, or the broader scope and magnitude of undisclosed interests.

Moreover, based on the evidence and facts herein, no order pursuant to Section 83116 was ever issued in that matter. To the extent that the stipulation entered into between Defendant and the FPPC could be considered an order pursuant to Section 83116, a civil filing is only improper if the FPPC has already issued an order pursuant to Section 83116 at the time of the civil *filing*. However, there is no question that the administrative stipulation and settlement with the FPPC occurred *more than a year after* this civil action was filed.

Finally, the purposes of the PRA would be undermined if a minimal administrative settlement entered after citizen reporting could categorically extinguish broader civil remedies expressly authorized by statute. Deciding that Defendant's private settlement with the FPPC limits the liability award available to a plaintiff is flatly inconsistent with the PRA's express mandate that "[a]dequate enforcement mechanisms should be provided to public officials and private citizens in order that this title will be vigorously enforced." (Gov. Code, § 81002, subd. (f).) The FPPC settlement should not be construed to limit this Court's ability to assess liability based on its independent judgment of the "seriousness of the violation and the degree of culpability of the defendant," (Gov. Code, § 91009). The Court therefore gives the administrative resolution appropriate but limited weight.

IV. <u>Findings Regarding Original Filings</u>

The Court finds that Defendant's original Form 700 Statements of Economic Interests (2018 Annual Form 700; 2019 Annual Form 700; 2020 Annual Form 700; and 2021 Annual Form 700) and the related Assuming Office Form materially failed to disclose reportable financial interests and sources of income over multiple reporting periods.

a. Omissions Substantial

The omissions were not minor or technical in nature. The evidence established that the original Form 700 filings by Defendant Barke reported *nominal* income figures while *substantial* reportable financial interests and community-property-related assets *of over a million dollars per year* existed during the operative periods. The Court further finds that the undisclosed interests and income were of a magnitude that would have been material to members of the public evaluating potential conflicts of interest and transparency obligations of an elected official.

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b. Sophistication and Knowledge

The Court finds, based on evidence admitted at trial, that Defendant was not an unsophisticated filer unfamiliar with public disclosure obligations. At all relevant times, Defendant:

- served as an elected school board official,
- operated within political and governmental environments,
- possessed substantial familiarity with campaign and governmental processes,
- and instructed or advised others regarding political dynamics and governmental transparency.

Accordingly, the Court rejects any contention that the violations arose solely from confusion, oversight, or lack of understanding of the reporting scheme.

In particular, Defendant's purported reliance on the alleged advice of her now-ex-husband was objectively unreasonable. Dr. Barke's supposed statement—that Defendant Barke need only disclose her economic interests if they conflict with the OCBE—is not only incorrect, it is unreasonable that anyone with defendant's sophistication would rely on such a statement. A conflict of interest does not exist until such time as a governing board may consider such a matter; therefore, it is the *advance* disclosure of the economic interests that are important so that the public might have the opportunity to assess whether a conflict of interest exists.

The Court finds that Defendant understood, or reasonably should have understood, the importance of complete and accurate disclosure under the PRA.

c. Recklessness and Conscious Avoidance

The Court finds the violations were at minimum reckless. Defendant did not simply fail to disclose millions of dollars of economic interests; she failed to engage in even minimal due diligence in completing her Form 700s. Despite having sworn under the penalty of perjury that she had used "all reasonable diligence" (Tr. Exs. 1-9; 56) in completing her Form 700s, *she admittedly never even read the Form 700 instructions.* Had she done even the modicum of necessary work and read the instructions, not to mention consulting with the FPPC helpline or other reasonable professionals in filing out her Form 700s, she would have learned that her disclosures were substantially incomplete.

Additionally, it was not until *after* Plaintiff notified the DA/ FPPC, (as set fort in the stipulations), and initiated this private enforcement action identifying disclosure deficiencies by Defendant Barke that Defendant undertook to read the instructions and amend her prior filings.

Moreover, the evidence admitted at trial demonstrated that Defendant failed to conduct a reasonably diligent inquiry before submitting amended disclosures. Most notably:

- Defendant did not directly confirm relevant financial information with her ex-spouse despite the spouse being the most reliable source of information regarding his businesses and potentially reportable community-property assets and income;

- Defendant instead relied substantially on estimates, assumptions, and information obtained indirectly from third parties; and
- As a result, certain amended disclosures remain speculative in material respects.

The Court finds that Defendant's failure to pursue readily available sources of accurate information and failure to confirm the community property figures directly with her ex-husband constituted at least conscious disregard of disclosure obligations.

Even if the Court were to credit Defendant's excuse that she accepted her now ex-husband's explanation that she need only list her economic interests if they conflicted with the OCBE, her filings still amount to a *willful ignorance* of the disclosure requirements under the PRA.

V. <u>Continuing Deficiencies</u>

The Court further finds that the amended filings did not fully cure the reported deficiencies. Although the amended Form 700s reflected dramatically increased disclosure amounts relative to the original filings, credible evidence established that at least certain reportable interests or assets still were omitted and that portions of the amended disclosures were speculative estimates of community property assets unsupported by adequate verification by Defendant's ex-husband (as set forth above). The Court therefore concludes the amendments, while relevant in mitigation, do not negate liability nor establish full compliance.

Additionally, the FPPC did not include or assess penalties for Defendant's 2018 Candidate Assuming Office Form 700 which, like Defendant's other Form 700s, should have included the same four (4) previously identified income sources: namely, income from the California Policy Center (between $10,000 and $100.000 annually, per the Stipulations of the parties herein), and 3 items of community property income (namely, Defendant's community property share of over $100,000 annual income from each: i. Personal Care Physicians, Newport Beach, ii. Personal Care Physicians, Irvine, and iii. Jeffrey I. Barke, M.D., Inc., per the Stipulations of the parties herein).

Moreover, Defendant failed to file an updated 2018 Assuming Office Form 700 despite: (1) the filing falling within the operative period identified in Plaintiff's administrative complaint, (2) Defendant's awareness that disclosure practices had been challenged, and (3) Defendant's subsequent efforts to amend related filings. Defendant Barke's 2018 Assuming Office Form 700 was filed late and remains defective *to this day*, as it does not disclose, at a minimum, her income from California Action or the California Foundation for Campaign Reform. The Court finds this failure significant because it demonstrates that corrective efforts were incomplete even after Defendant had actual notice of alleged reporting deficiencies.

VI. Civil Remedies and Relief

In determining appropriate relief, and reaching its decision herein, the Court has considered numerous factors as they relate to Defendant's conduct, including:

- the large number of violations (21) occurring over a long period of time,
- the materiality of the omissions, depriving the public of information the PRA requires public officials to disclose,
- Defendant's high level of sophistication and experience in governmental and political matters,
- the magnitude of the undisclosed financial interests (increasing from $99 to over $1,000,000/yr),
- Defendant's reckless disregard of disclosure obligations,
- the incomplete and speculative nature of the corrective amendments,
- the continuing failure to amend the Assuming Office statement,
- and the strong public interest in transparency and deterrence.

a. Monetary Damages

Pursuant to the law, the Court finds that substantial civil damages are warranted to effectuate the purposes of the PRA and deter future violations.

The Court has considered the prior administrative resolution entered through the Fair Political Practices Commission, including Defendant's payment of administrative penalties totaling $3,200 for sixteen disclosure violations. The Court concludes that the prior administrative penalties do not fully satisfy the remedial and deterrent purposes of the PRA as applied to the evidence established at trial. However, the Court also concludes that the amounts previously paid administratively should be credited against the damages determined by the Court herein in order to avoid duplicative or constitutionally excessive punishment.

Accordingly, the Court assesses **monetary damages in the amount of $101,800,** determined as follows: $5,000 per violation for the **sixteen (16)** previously admitted (and proven herein) Form 700 disclosure violations ($5,000 x 16 = $80,000), with a credit of $200 per violation for amounts previously paid through the FPPC administrative proceeding, amounting to $76,800 ($80,000-$3,200 = $76,800).

The Court further finds Defendant's continued failure to amend and correct the Assuming Office statement constitutes **five (5)** separate Form 700 disclosure violations warranting civil damages. The Court therefore assesses additional civil damages of $5,000 per violation, ($5,000 x 5 = $25,000).

Although the Court understands $5,000 per violation for each of the **twenty-one (21) total** violations is not a statutory cap, (and $10,000 per violation up to millions of dollars could be awarded under the law, as requested by Plaintiff), the Court finds **damages totaling $101,800** ($76,800 +$25,000

= $101,800) are reasonable, proportionate, and necessary to effectuate the purposes of the Political Reform Act under the circumstances presented. This monetary damage amount reflects the seriousness and repetition of the conduct, provides meaningful deterrence and remains proportionate to Defendant's culpability and the resulting public harm. Moreover, this award will not produce an aggregate sanction greater than necessary to accomplish the PRA's remedial and deterrent purposes.

b. Equitable Relief

Pursuant to Government Code, and the Court's inherent equitable authority to enforce compliance with the Political Reform Act, the Court orders as follows:

1. Defendant shall amend and correct her 2018 Assuming Office 700 statement so as to fully comply with the disclosure requirements under the Political Reform Act.
2. Defendant shall file any future requisite Statements of Economic Interests (Form 700) and other required disclosure filings in full compliance with California law and the PRA.

The Court finds injunctive and equitable relief appropriate because the evidence demonstrated repeated disclosure failures, incomplete corrective efforts, and continuing noncompliance even after notice of the reporting deficiencies.

c. Attorneys' Fees and Costs

Plaintiff is the prevailing party in this enforcement action. Pursuant to Government Code sections 91003, 91005.5, and Code of Civil Procedure section 1021.5, Plaintiff shall recover reasonable attorneys' fees and costs of suit according to the law, proof and noticed motion.

The Court finds that this action enforced important public rights affecting the integrity and transparency of governmental processes and conferred a significant benefit upon the public within the meaning of Code of Civil Procedure section 1021.5. Accordingly, the fees should not, in the interests of justice, come out of the damage recovery.

Plaintiff to prepare Judgment consistent with this ruling.

Clerk to give notice.

H. Shaina Colover

Hon. H. Shaina Colover 9/3/26

Orange County Superior Court