

RESPONSE TO A PUBLIC RECORDS REQUEST

Volume I of I

CHARLES ASUBONTEN

SPB CASE NO. 18-0830

Prepared by

California State Personnel Board

July 3, 2018



RECORD CERTIFICATION

I, Ivette De Alba, hereby certify that the attached documents are the true and correct copies of the following official records of the California State Personnel Board for:

APPELLANT: CHARLES ASUBONTEN

SPB Case No(s): 18-0830

The State Personnel Board (SPB) has redacted social security numbers and other personally identifying information from these records prior to disclosure. The SPB's redactions can be found on page(s): **27, 43, 45, 48, 67, 69, 71-75.**

Should you have any questions about the redactions, please contact me at the telephone number listed below.

Sincerely,



July 3, 2018

Ivette De Alba
Legal Analyst - Custodian of Records
California State Personnel Board
Ivette.dealba@spb.ca.gov
916.653.0427

RESPONSE TO A PUBLIC RECORDS REQUEST

VOLUME I OF I

CHARLES ASUBONTEN

SPB 18.: 0830

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APPEAL

SPB000001 thru SPB000077

PROOF OF SERVICE

I am employed in the County of Sacramento, State of California. I am over the age of 18 and not a party to the within action; my business address is: California Public Employees' Retirement System, Lincoln Plaza North, 400 "Q" Street, Sacramento, CA 95811 (P.O. Box 942707, Sacramento, CA 94229-2707).

On May 7, 2018, I served the foregoing documents described as:

Rejection on Probation with attachments

on interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed and/or e-filed as follows:

John W. Harris
Harris & Associates
865 S. Figueroa St., Ste 2750
Los Angeles, CA 90017
(Attorney for Charles Asubonten)

[XX] BY OVERNIGHT DELIVERY: I caused such envelope(s) to be delivered to the above address(es) within 24 hours by overnight delivery service.

Executed on May 7, 2018, at Sacramento, California.

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

Adriana Reagin

NAME



SIGNATURE



NOTICE OF REJECTION DURING PROBATION

Charles Asubonten
Chief Financial Officer
400 Q Street
Sacramento, CA 95811

Social Security No.
XXX-XX-1012

You are hereby notified that, pursuant to Government Code section 19173, you are rejected during your probationary period from your position as a Chief Financial Officer.

I

EFFECTIVE DATE

This rejection during probation shall be effective at the close of business on May 16, 2018.

II

STATEMENT OF CAUSES

Pursuant to Government Code section 19173, you are rejected during your probationary period for reasons relating to your qualifications, the good of the service, and failure to demonstrate merit, efficiency, fitness, and moral responsibility.

III

BACKGROUND

You have been employed with the California Public Employees' Retirement System ("CalPERS") since October 2, 2017, when you were appointed as the Chief Financial Officer in the Financial Office. For the entirety of your probationary period, you have been under the supervision of Marcie Frost, Chief Executive Officer. (**Attachment 1**)

A. General Duties.

As the Chief Financial Officer, you are responsible for promoting the sound and secure operations of CalPERS financial enterprises through: (1) management of the system's financial and investment accounting, financial analysis and planning, cash management, and budgeting functions; (2) management of the system's globally-focused enterprise risk management, and privacy and protection programs; and (3) coordination with and review of the system's finance-related investment functions, including asset/liability management. The magnitude of the Chief Financial Officer's responsibilities is enhanced by CalPERS being the nation's largest public retirement system, and having substantial autonomy for managing its investment portfolio and budget. (**Attachment 2**)

B. CalPERS Policies and Guidelines.

CalPERS employees are expected to adhere to all CalPERS policies and guidelines. You were made aware of CalPERS Policies, Guidelines, Guiding Principles, Mission, Vision, and Core Values through various methods. For example, the following policies and guidelines are maintained on the *Inside CalPERS* intranet website, which is the default homepage on all CalPERS employees' computers that automatically loads every time the computer is started. All

CalPERS employees have access to these policies and guidelines when logging onto their work computer.

1. CalPERS' Core Values and Guiding Behaviors. CalPERS' mission and vision are supported by CalPERS' Core Values and Guiding Principles. CalPERS Core Values – quality, respect, integrity, openness, accountability, and balance – are principles CalPERS expects employees to operate under in order to foster an equal, diverse, and successful working environment, as well as enabling CalPERS to conduct business and serve its customers in line with its mission statement. CalPERS Core Values state that all employees should act in all endeavors with an ethical, honest mindset, and in a professional manner; honor commitments, keep promises, and build trust; and be truthful in all actions and communications, or words to that effect.

(Attachment 3)

C. Training.

Throughout your probationary period you received the following training (**Attachment 4**):

TRAINING COURSE	DATES OF TRAINING
ECOM – Personal Trading Training Session	11/3/2017
Mandatory 2017-18 Harassment Prevention for Supervisors	12/27/2017
Mandatory 2017-18 Health Insurance Portability Accountability Act	12/26/2017
Mandatory 2017-18 Information Security Awareness	12/26/2017
Mandatory 2017-18 Workplace Violence Prevention	12/25/2017
OSSD – CalPERS Contracting – Delegated Authority Compliance Training	12/26/2017

In addition, on or around October 30, 2017, you received personalized Compliance Program Onboarding from CalPERS Deputy Chief Compliance Officer Kami Niebank. This training

included information about your obligation to file a Form 700 – Statement of Economic Interests, as required by the Political Reform Act (Gov. Code §§ 81000 et seq.) (**Attachment 5, Exhibit #7, pp. 3-4, 9, and 10**)

IV

STATEMENT OF FACTS, ACTS, AND OMISSIONS

This rejection is being taken against you because of misrepresentations you made regarding your work history prior to and after your hire at CalPERS. CalPERS first became aware of alleged discrepancies in your work history in April 2018. The CalPERS Legal Office, Investigation Unit, promptly investigated the allegations, and found that you made false, incomplete, incorrect, and misleading statements as set forth below. The entire investigation report, including exhibits, is attached to this notice as **Attachment 5**, and hereby incorporated by reference.

A. Application Submitted Prior to Your Hire

1. In or around June 2017, CalPERS posted a career opportunity for the position of Chief Financial Officer, JC # 69291. As set forth in the “Personal Competencies and Characteristics” section of the job profile, CalPERS sought a candidate who “acts in a professional manner and demonstrates a high degree of integrity, honesty, and ethical behavior;” and “demonstrates openness and trust.” (**Attachment 8**)

2. On or around July 12, 2017, you signed a STD 678 – Examination / Employment Application (“Application”) and submitted it to CalPERS for the position of Chief Financial Officer. You signed the Application directly under the following certification:

I certify under penalty of perjury that the information I have entered on this application is true and complete to the best of my knowledge. I further understand that any false, incomplete, or incorrect statements may result in my disqualification from the examination process or dismissal from employment with the State of California. I authorize the employers and educational institutions

identified on this application to release any information they may have concerning my employment or education to the State of California.

(Attachment 5, Exhibit #2)

3. Pages two through four of the Application contain your employment history, in reverse chronological order. You listed the following information for your most recent job, or words to that effect:

From (MM/DD/YY) 06/01/2013	To (MM/DD/YY) Present	TITLE / JOB CLASSIFICATION (Include Range or Level, if applicable) CFO/Managing Director	SUPERVISOR NAME Nana Acheampong
HOURS PER WEEK 50	TOTAL WORKED (YEARS / MONTHS) 4	COMPANY/STATE AGENCY NAME Transmax/RSA Capital	SUPERVISOR PHONE NUMBER [redacted]
SALARY EARNED \$23,750.00	PER Month	ADDRESS 8480 Baltimore National Pike Ste 233, Ellicott City, MD 21043	
DUTIES PERFORMED Engaged in investment management advisory, capital formation, deal sourcing, due diligence, deal structuring and execution for private equity clients. Serves as a private equity manager/advisor to clients investing in Africa. Offers value creation services (governance, streamlining financial operations, and process improvements' strategies) to senior management.			
REASON FOR LEAVING Looking for a more challenging position in the USA as a CFO			

(Attachment 5, Exhibit #2)

4. You indicated the next most recently held position was that of Chief Financial Officer of Mopani Copper Mines, Plc, located in Kitwe, Zambia. You indicated that this position was held from 05/01/2012 through 05/31/2013. **(Attachment 5, Exhibit #2)**

5. You indicated the next most recent position was that of Chief Financial Officer & Director of Rio Tinto/Palabora Mining Company, located in Phalaborwa, South Africa. You indicated that this position was held from 07/17/2006 through 07/30/2010. **(Attachment 5, Exhibit #2)**

B. Resume Submitted Prior to Your Hire

1. During the recruitment process for the Chief Financial Officer position, you also submitted a resume to CalPERS outlining your purported qualifications for the position. Under the “Professional Experience” portion of your resume, you listed the following as your most recent position, or words to that effect:

<u>TRANSMAX</u> – Maximum Transformation	June 2013 to Present
Managing Director	
Engaged in capital formation, deal sourcing, due diligence, deal structuring and execution for private equity clients. Serves as a private equity manager/advisor to clients investing in Africa. Offers value creation services to senior management (performed same role in 2010-2012).	

(Attachment 5, Exhibit #1)

2. Your resume states that you held the position of Chief Financial Officer at Mopani Copper Mines PLC in Zambia from May 2012 to June 2013, or words to that effect. Your resume further states that you held the position of Executive Director & Chief Financial Officer of Palabora Mining Company from 2006 to 2010, or words to that effect. **(Attachment 5, Exhibit #1)**

C. California Form 700 Submitted After Assuming Office

1. The California Political Reform Act of 1974 (Gov. Code §§ 81000 et seq.) requires certain elected and state government officials to disclose their personal financial interests in order to inform the public about potential conflicts of interest. This disclosure is made via the Statement of Economic Interest – California Form 700 (“Form 700”). The Form 700 is a public document submitted under penalty of perjury. **(Attachment 5, Exhibit #6c)**

2. Pursuant to Government Code section 87200 and CalPERS' Conflict of Interest Code, the position of Chief Financial Officer is a position for which disclosure of economic interests via the Form 700 is required. **(Attachment 6)**

3. Pursuant to Government Code section 87202, a Form 700 must be filed within 30 days of assuming office. CalPERS utilizes an electronic filing system (eDisclosure) for submitting Form 700s. **(Attachment 5, Exhibit #6B; Attachment 7)**

4. On or around October 31, 2017, at 1:43 PM, you submitted your Form 700 electronically using the eDisclosure system. Included in the electronic submission is the following certification:

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and any attached schedules is true and complete. I acknowledge this is a public document.

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

(Attachment 5, Exhibit #3)

5. Included in your Form 700 was Schedule A-2, Investments, Income, and Assets of Business Entities/Trusts. You identified one business entity or trust in this category, namely, "Transmax/RSA Capital." You disclosed the following information about "Transmax/RSA Capital" on Schedule A-2 of your Form 700, or words to that effect:

Name:	Transmax/RSA Capital
Address:	8480 Baltimore National Pike, Ellicott City, MD 21043
Type:	Business Entity
General Description of the Business:	Investing and advisory
Fair Market Value:	Over \$1,000,000
Nature of Investment:	Partnership
Your Business Position:	Managing Director
Identify the gross income received (Include your pro	Over \$100,000

rata share of the gross income to the entity/trust):	
List the name of each reportable single source of income of \$10,000 or more:	None

(Attachment 5, Exhibit #3)

6. Also included on your Form 700 was Schedule C – Income, Loans, & Business Positions. You identified one source of income received, namely, “CFA Institute.” You disclosed the following information about “CFA Institute” on Schedule C of your Form 700, or words to that effect:

Name of Source of Income:	CFA Institute
Address:	915 E High St, Charlottesville, VA 22902
Business Activity, if any, of Source:	CFA Education
Your Business Position:	Grader
Gross Income Received:	\$1,001 - \$10,000
Consideration for Which Income was Received:	Salary

(Attachment 5, Exhibit #3)

D. Investigation of Misrepresentations Made on the Application, Resume, and Form 700

1. In April 2018, CalPERS became aware of allegations that you had made misrepresentations about your employment history in your Application, resume, and Form 700. As a result, CalPERS requested that the CalPERS Legal Office, Investigation Unit, investigate the allegations. The investigators interviewed you on April 20, 2018 and April 23, 2018, and afforded you the opportunity to provide documents in support of your statements. The investigators also interviewed CalPERS Chief Compliance Officer Marlene Timberlake D’Adamo and Deputy Chief Compliance Officer Kami Niebank. The investigators also interviewed the person you identified on your Application as your supervisor at Transmax/RSA

Capital - Nana Acheampong. The investigation substantiated the allegation that you made misrepresentations regarding Transmax/RSA Capital on your Application and Form 700, and regarding Transmax – Maximum Transformation on your resume. The investigators' findings are detailed below. (**Attachment 5**)

2. You represented on your Application that your salary from Transmax/RSA Capital between June 1, 2013 and the date it was signed (July 12, 2017) was \$23,750 per month. The investigators found this was false, incomplete, incorrect, and misleading based on the following facts and evidence:

- a. You provided no records that documented receipt of any salary or payments from Transmax or RSA Capital between June 1, 2013 and July 12, 2017 (the date the Application was signed). (**Attachment 5, p. 18**)
- b. During your April 20, 2018 interview, when asked to explain the monthly salary listed on your Application, you stated the money is “paid to me or it’s paid to my account,” or words to that effect. You further stated that you received payment from “the individual companies that I get the money from would pay the money to me directly,” or words to that effect. (**Attachment 5, Exhibit #11, p. 13:11-23**)
- c. However, during your April 23, 2018 interview, you provided three 2017 W-2s from employers other than Transmax/RSA Capital. You stated that the salary reflected on your Application was based on the total of the three W-2s, which was then divided by 12, to get to around \$23,790.03. (**Attachment 5, Exhibit #12, pp. 7:25-10:7 and Exhibit #19B**)

- d. As noted above, the 2017 W-2s you provided were not from Transmax or RSA Capital. Rather, you identified the W-2s as being from CFA Institute – for whom you grade papers – and Rio Tinto – your former employer. (**Attachment 5, Exhibit #2, Exhibit #12, pp. 10:4-7, 11:1-6, Exhibit #19B**)
- e. In your April 23, 2018 interview, you indicated that the income reflected on the 2017 W-2s from Rio Tinto was earned in 2007-2009, not in 2017 (the year it was received). According to your Application, you were employed by Rio Tinto / Palabora Mining Company between 2006 and 2010 as its Chief Financial Officer / Director. (**Attachment 5, Exhibit #2 and Exhibit #12, pp. 18:17-19:15**)
- f. When asked during your April 23, 2018 interview how the W-2s you provided from Rio Tinto were connected to Transmax, you responded "I am Transmax and RSA," or words to that effect. You further stated "I consider everything as Transmax," or words to that effect. (**Attachment 5, Exhibit #12, pp. 10:8-17 and 11:7-23**)
- g. As noted above, you signed the Application subject to the following certification:

I certify under penalty of perjury that the information I have entered on this application is true and complete to the best of my knowledge. I further understand that any false, incomplete, or incorrect statements may result in my disqualification from the examination process or dismissal from employment with the State of California. (**Attachment 5, Exhibit #2**)

3. You represented Transmax/RSA Capital as your employer on your Application between June 1, 2013 and the date it was signed (July 12, 2017). The investigators found this was false, incomplete, incorrect, and misleading based on the following facts and evidence:

- a. An internet search of “Transmax” in combination with “Charles Asubonten” was conducted and no connection was found. **(Attachment 5, p. 19)**
- b. Transmax is not registered as a business, company, or other such entity as confirmed by a search of the *Maryland Business Express*. No businesses were registered to Charles Asubonten using the name Transmax or RSA Capital. **(Attachment 5, Exhibit #22)**
- c. You provided conflicting information as to the type of business entity Transmax was. In your April 20, 2018 interview, you stated you were "employed" with "an entity we called Transmax," or words to that effect. You further stated that you were "on [your] own" with Transmax, but had "affiliates" or "directors," or words to that effect. You then stated that "Transmax" and "RSA Capital" were "dbas," meaning "doing business as," or words to that effect. You stated that you file taxes in your own name, and have never registered Transmax or RSA Capital. During your April 23, 2018 interview, you said that the work you performed between 2007 and 2009 (while still employed by Rio Tinto / Palabora Mining according to your Application) relates to Transmax because "I am Transmax and RSA," and "I consider everything as Transmax," or words to that effect. **(Attachment 5, Exhibit #11, pp. 3:7-14, 4:17-22, 12:1-13:10, and Exhibit #12, pp. 10:8-11:23)**
- d. In your April 20, 2018 interview, you were asked if you were “the sole person who ran Transmax” and you responded “yes,” or words to that effect. Your statement directly contradicts the information provided on the Form 700 about the

type of entity that Transmax was as there you represented it as a partnership.

(Attachment 5, Exhibit #3 and Exhibit #11, p. 15:11-13)

- e. You provided no records that substantiated the existence of a business, company, or other entity named Transmax or RSA Capital that operated between June 1, 2013 and July 12, 2017 (the date the application was signed). **(Attachment 5, p. 19)**
- f. On your resume, you indicated you were employed at Transmax – Maximum Transformation from June 2013 to present. **(Attachment 5, Exhibit #1)**
- g. You provided no records that substantiated you held any position at a business, company, or other entity named Transmax - Maximum Transformation. **(Attachment 5, p. 20)**
- h. You told Timberlake D'Adamo on or around April 18, 2018 that Transmax/RSA Capital was a business formed by five partners and had not been registered anywhere yet, or words to that effect. You also told Timberlake D'Adamo that the Maryland address was not a registered agent, and only a place to get mail, or words to that effect. **(Attachment 5, Exhibit #4, pp. 7:6-25, 16:7-25)**
- i. You provided no records that documented receipt of any salary or payments from Transmax or RSA Capital between June 1, 2013 and July 12, 2017 (the date the application was signed). **(Attachment 5, p. 20)**
- j. During your April 20, 2018 interview, you stated that if you hadn't taken this job at CalPERS, you would have registered Transmax as a "full-blown private equity entity," or words to that effect. **(Attachment 5, Exhibit #11, p. 8:1-15)**

- k. You confirmed that you used a mailing address for Transmax that was listed in Ellicott City, Maryland. As detailed below, this is a UPS Store mailbox that you rented in your name. You stated that you think you received mail there in the name of Transmax, but stated you did not know if the UPS Store would accept mail for Transmax if that name was not on the account, or words to that effect.

(Attachment 5, Exhibit #11, pp. 11:1-12, 19:11-20:11)

- l. Your application indicated that you started Transmax in June 2013, however, you stated in your April 23, 2018 interview that you were "in business as Transmax" when you left Palabora in 2010, or words to that effect. **(Attachment 5, Exhibit #2 and Exhibit #12, p. 25:11-25)**

- m. You signed the Application under the penalty of perjury and subject to the certification noted above. **(Attachment 5, Exhibit #2)**

4. You represented Transmax/RSA Capital's address on your Application for the period of June 1, 2013 through July 12, 2017 (the date the Application was signed) as 8480 Baltimore National Pike Ste 233, Ellicott City, MD 21043. The investigators found this was false, incomplete, incorrect, and misleading based on the following facts and evidence:

- a. A Google search of the Ellicott City, Maryland address confirmed that the address provided was a UPS Store and not the business location of an entity named Transmax or RSA Capital. **(Attachment 5, Exhibit #24)**
- b. During your April 20, 2018 interview, you stated that the address listed was a UPS Store mailbox, or words to that effect. You also stated that the mailbox was in your own name, and not that of Transmax. You stated that your place of

business was your home, or that you "rented a place," or words to that effect.

(Attachment 5, Exhibit #11, p. 11:1-12)

- c. You provided copies of email correspondence which confirm that the address belongs to a UPS Store. **(Attachment 5, Exhibit #19F)**
- d. You provided no records that documented a business, company, or other entity named Transmax or RSA Capital was located at the address between June 1, 2013 and July 12, 2017 (the date the application was signed). **(Attachment 5, p. 21)**
- e. You signed the Application under the penalty of perjury and subject to the certification noted above. **(Attachment 5, Exhibit #2)**

5. You represented your "Supervisor" for employment at Transmax / RSA Capital on your Application for the period of June 1, 2013 through July 12, 2017 (the date the Application was signed) as Nana Acheampong. The investigators found this was false, incomplete, incorrect, and misleading based on the following facts and evidence:

- a. During your April 23, 2018 interview, you stated "I am Transmax and RSA," or words to that effect. During your April 20, 2018 interview, you stated that Transmax was never registered and "it was Charles Asubonten doing business as," or words to that effect. You did not indicate on your Application that you were self-employed or did not have a supervisor. **(Attachment 5, Exhibit #2, Exhibit #11, p. 8:11-23, Exhibit #12, p. 10:14-17)**
- b. You provided no records that documented Acheampong was your supervisor at Transmax or RSA Capital between June 1, 2013 and July 12, 2017 (the date the Application was signed). **(Attachment 5, p. 21)**

- c. In your April 20, 2018 interview, when asked whether Acheampong was your supervisor, you stated "as advisory chairman, yes, because he directs me and he helps me to what to do [sic]. And, of course, it's also the nature of the business. This is a private equity. It's not a corporation like we are here," or words to that effect. You did not indicate on your Application that Acheampong was your "advisory chairman," and not your supervisor. (**Attachment 5, Exhibit #2 and Exhibit #11, p. 30:8-22**)
 - d. When the investigators interviewed Acheampong on April 19, 2018, Acheampong was asked if he had worked with you. Acheampong stated that he worked with you on "specific issues" with respect to the "development of Ghana" and "doing things better," or words to that effect. Acheampong did not mention that he worked for Transmax or RSA Capital, nor did he mention that he was your supervisor at either entity. (**Attachment 5, pp. 4, 22**)
 - e. In addition, the investigators asked Acheampong if he knew of Transmax. In response, Acheampong asked himself "have I heard of it, have I heard of it?" or words to that effect. Then there was silence. He was then asked about RSA Capital and there was silence, and then the line was dead. Additional attempts to reach Acheampong were unsuccessful. (**Attachment 5, pp. 4, 22**)
 - f. You signed the Application under the penalty of perjury and subject to the certification noted above. (**Attachment 5, Exhibit #2**)
6. You represented your employer as Transmax - Maximum Transformation on your resume commencing in June 2013. The investigators found this was false, incomplete, incorrect, and misleading based on the following facts and evidence:

- a. During your April 20, 2018 interview, you were asked if "Maximum Transformation" was another dba (doing business as). You stated that "Maximum Transformation" meant "Transmax will do maximum transformation for you," or words to that effect. (**Attachment 5, Exhibit #11, p. 16:14-20**)
- b. The investigators also relied upon the same facts discussed in paragraphs 3(a)-(m) in this section above with respect to you representing Transmax as your employer, which are hereby incorporated by reference. (**Attachment 5, Exhibit #s 1, 2, 4, 11, 12, 22**)

7. You represented Transmax / RSA Capital as a partnership on your Form 700. The investigators found this was false, incomplete, incorrect, and misleading based on the following facts and evidence:

- a. In your April 20, 2018 interview, you were asked if you were the "sole person who ran Transmax," and you replied "yes," or words to that effect. You further stated that you had "affiliates" or "directors," or words to that effect. Your statement directly contradicts the information provided on your Form 700 about the type of entity that Transmax was, wherein you indicated it was a partnership. The Form 700 has an option for "sole proprietorship" next to the "partnership" box, but that box was not checked. (**Attachment 5, Exhibit #3 and Exhibit #11, pp. 4:17-5:18, 15:11-13**)
- b. On or around April 18, 2018, you told Timberlake D'Adamo that Transmax/RSA Capital was a partnership. According to Timberlake D'Adamo, you stated that five individuals essentially formed this partnership to do this body of work, or words to that effect. (**Attachment 5, Exhibit #4, p. 7:6-25**)

- c. You signed the Form 700 under penalty of perjury, and subject to the following certification: "I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge that this is a public document." (**Attachment 5, Exhibit #3**)

8. You identified the value of Transmax / RSA Capital in excess of \$1,000,000 on the Form 700. The investigators found this was false, incomplete, incorrect, and misleading based on the following facts and evidence:

- a. You provided no records that documented that Transmax had a value in excess of \$1,000,000. (**Attachment 5, p. 24**)
- b. During your April 20, 2018 interview, you stated that Transmax had yet to make a profit. When asked how you valued Transmax / RSA Capital as being worth over \$1,000,000, you stated "estimates of all the business that I have put equity in it, or have worked for that I have not yet been compensated," or words to that effect. (**Attachment 5, Exhibit #11, p. 29:2-17**)
- c. During your April 23, 2018 interview, you were asked if your statement on April 20 that Transmax had not yet made a profit was accurate. You stated that you "wouldn't say that" Transmax had not made a profit, but also stated that you had not run a "full P&L [profit and loss] for Transmax," or words to that effect. (**Attachment 5, Exhibit #12, pp. 15:3–16:25**)
- d. According to Timberlake D'Adamo, you told her on or around April 18, 2018 that you valued the business on "the network and the work that they're all doing," but

admitted there were no assets or real estate to base the value on," or words to that effect. (**Attachment 5, Exhibit #4, pp. 9:8-10:11**)

- e. You signed the Form 700 under penalty of perjury and subject to the certification referenced above. (**Attachment 5, Exhibit #3**)

9. In addition, the investigators did not find you to be credible during the investigation. Specifically, you were evasive, failed to answer questions directly, and gave inconsistent answers to similar questions. During your April 20, 2018 interview, you stated that the monthly salary listed on your Application was based on money received directly from the individual companies with whom you worked, or words to that effect. You also stated that clients paid you directly or to your bank account, or words to that effect. You stated that you would look for bank statements to support this statement, but never provided them to the investigators. Instead, on April 23, 2018, you provided W-2s from your prior employer – Rio Tinto – and stated that the money from Rio Tinto was earned in 2007-2009, but paid in 2017, or words to that effect. When asked how the money from Rio Tinto related to Transmax, you stated "I consider everything as Transmax," or words to that effect. (**Attachment 5, p. 16, Exhibit #11, pp. 13:11-23, 25:23-26:11, Exhibit #12, p. 11:7-23, Exhibit #19B**)

10. You also provided inconsistent answers to the question of whether Transmax/RSA Capital had made a profit. During your April 20, 2018 interview, you spontaneously stated that you put "sweat equity" into these businesses and hoped at some point they would become profitable, or words to that effect. When directly asked if Transmax had made a profit, you stated "not yet," or words to that effect. However, on April 23, 2018, you denied making that statement and said you "wouldn't say that," or words to that effect. (**Attachment 5, p. 16, Exhibit #11, pp. 12:12-25, 29:15-17, Exhibit #12, pp. 15:4-16:6**)

11. As a result of the conduct outlined above with respect to false, incomplete, incorrect, and misleading information provided in your Application, your dismissal is justified per the terms of the Application certification. (**Attachment 2**)

12. In addition to the conduct outlined above, other statements made by you in your interviews and during the pendency of the investigation were incompatible with the level of responsibility and trust required for your position, as set forth in the job profile and duty statement. Furthermore, your conduct does not reflect CalPERS Core Values and Guiding Behavior of Integrity, which requires an employee to act in all endeavors with an ethical, honest mindset, and in a professional manner, and to be truthful in all actions and communications. (**Attachments 2, 3, 8**) For example:

- a. You repeatedly refused to directly answer questions related to Transmax/RSA Capital. In your April 22, 2018 letter sent as “My response to the assassination of my character,” you spent multiple pages discussing your career and experience at Rio Tinto/Palabora Mining in elaborate detail. By contrast, you included only one sentence about Transmax/RSA, noting only that you were working in your personal capacity “due to [your] tax situation and geographical locations,” or words to that effect. (**Attachment 5, Exhibit #21**)
- b. After stating that the money you received from Rio Tinto (your former employer) in 2017 was actually earned in 2007-2009, you were asked if you did any work in 2017 for which you were paid. You failed to answer the question directly, instead stating “this is my money for 2017. Now, again, that’s the sole strategy,” or words to that effect. You further stated that you did not want to receive more

money because “it creates me [sic] problems in 2017,” or words to that effect.

(Attachment 5, Exhibit #12, pp. 19:19-20:7)

- c. When asked again how the money you purportedly earned from Rio Tinto in 2007 related to Transmax, you stated “And this is the biggest problem. And this is why I have said time and again, people who are in business with private equity do things different. Not illegal, but different things,” or words to that effect.

(Attachment 5, Exhibit #12, p. 20:13-5)

- d. You further stated “I did not lie on the money. I made the money in the year that I made it. I am representing myself as not a company, as not a State Agency, and so on and so forth,” or words to that effect. In further describing your earnings, you stated “and this is why we don’t put it easily in the public domain. It’s not for the faint of heart,” or words to that effect. **(Attachment 5, Exhibit #12, pp. 21:24-22:12)**

- e. In describing your decision to put Transmax on the Form 700, you stated “Because knowing that I’m getting this, there are monies I have not received, which I’m going to be receiving subsequently. So, to protect myself, I thought that if I put down there is a possibility I could receive a million or more than a million in the future from this entity called Transmax, when I receive the money, nobody would say, I had a kick-back or any illegal stuff. That’s what I was drying [sic] to do. And, in fact, one of the things I put here being a neophyte of the government, if that breaks their rules or laws, I’m willing to revise that. But there’s no – there’s no illegality. There is no criminality. There’s no dishonesty.

It's just the way it is presented. And sometimes an explanation is needed," or words to that effect. (**Attachment 5, Exhibit #12, pp. 22:5-23:16**)

- f. After refusing to provide additional documentation to support your statements, you stated "I want to prove I'm not a dishonest person. I may be smart, but I'm not dishonest," or words to that effect. You further stated that you were not "dealing drugs" or "money laundering," or words to that effect. (**Attachment 5, Exhibit #12, pp. 27:14-28:20**)

13. Title 2 of the California Code of Regulations, Section 324 states "If the conduct, capacity, moral responsibility, or integrity of the probationer is found to be unsatisfactory, it shall be the duty of the appointing power to reject that probationer from the position."

(Emphasis added.) As described in detail above, you repeatedly provided false, incomplete, incorrect, and misleading information about your work history as it pertains to Transmax/RSA Capital, and failed to be forthright during the investigation. Your lack of judgment as to this conduct and lack of integrity justifies and requires your rejection given your high level of responsibility within CalPERS. Among other responsibilities, crucial tasks of the Chief Financial Officer include preparing annual financial statements and ensuring compliance with state and federal tax laws. The Chief Financial Officer is also responsible for managing the development and implementation of enterprise-wide risk policies, the alignment of CalPERS management approach to risk with the CalPERS strategic goals and objectives, and the promotion of risk awareness within the CalPERS senior management team. (**Attachment 2**)

14. The false, incomplete, incorrect, and misleading information you provided to CalPERS both before and after your hire warrants your rejection because it directly relates to your qualifications and fails to demonstrate merit, efficiency, fitness, and moral responsibility.

Your rejection is further warranted for the good of service because your misconduct is of the type to discredit CalPERS and negatively impact morale.

15. For all the reasons set forth above, CalPERS is rejecting you during probation from your position as Chief Financial Officer.

V

NOTICE AND PROGRESSIVE DISCIPLINE

You have had no formal discipline during your probationary period. The serious and egregious nature of the conduct described above warrants rejection.

VI

MATERIALS AND DOCUMENTS

Pursuant to State Personnel Board Rule 52.6, a copy of all materials and documents upon which this Notice of Rejection is based accompany this Rejection.

VII

RIGHT TO RESPOND TO THE APPOINTING POWER

In accordance with State Personnel Board Rule 52.6 (California Code of Regulations, Title 2, section 52.6), you have the right to respond to this Notice of Rejection, either in writing or verbally, prior to the close of business on May 16, 2018. The effective date of this Rejection is the close of business on May 16, 2018. Pursuant to State Personnel Board Rule 52.6, subsection (b), CalPERS has designated Katie Hagen, Chief Deputy Director at California Department of

Asubonten, Charles

Tax and Fee Administration, to serve as the Skelly Officer in this matter. If you wish to respond verbally, please contact, Ms. Hagen at (916) 838-9164 or katie.hagen@cdtfa.ca.gov to schedule your meeting so that it may take place prior to the close of business on May 16, 2018. You have the right to representation at this meeting; however, at this stage of the proceedings you are not entitled to a formal hearing with examination of witnesses.

You are entitled to a reasonable amount of State time to prepare a written response to the charges/allegations. If you wish to respond in writing, please submit your response to the assigned Skelly Officer:

Katie Hagen
Chief Deputy Director
California Department of Tax and Fee Administration
450 N Street
Sacramento, CA 94279

Your written response should be mailed or hand-delivered to ensure receipt by the close of business on May 16, 2018.

If you choose to verbally respond, the individual who meets with you will be representing the appointing power and shall have the authority to amend, modify or revoke any or all of the foregoing allegations, including the Rejection in its entirety. A written response by you will be considered by an individual with the same authority.

VIII

RIGHT OF APPEAL TO THE STATE PERSONNEL BOARD

Regardless of whether you choose to respond as detailed in section VII, above, in accordance with Government Code section 19175, you may appeal this Rejection to the State Personnel Board. Such an appeal must be filed in writing no later than fifteen (15) calendar days after the effective date of Rejection. The effective date of Rejection is the close of business on May 16, 2018. You may appeal this decision by email at appeals@spb.ca.gov or online at <https://appeals.spb.ca.gov/aos>. Attach all relevant documents to your correspondence. Appeals may also be mailed, personally delivered, or faxed to: State Personnel Board, Appeals Division, 801 Capitol Mall, Sacramento, CA, 95814, Fax (916) 654-6055. For more information, the State Personnel Board Appeals website is http://spb.ca.gov/appeals/general_information.aspx.

Your appeal shall be deemed to be a request for hearing or investigation as provided in Government Code section 19175. If you fail to file an appeal within the time specified, or withdraw your appeal, this Rejection shall be final.


Pursuant to Government Code section 19175, the State Personnel Board, or its authorized representative, may hold a hearing on your appeal of this Rejection. If a hearing is scheduled, you will be notified of the time and place of the hearing. **You are responsible for notifying the State Personnel Board of any changes in your address that occur after the effective date of this Rejection.**

IX

SEPARATE AND DISTINCT RIGHTS

Your **Right To Respond To The Appointing Power** prior to the effective date of this Rejection as detailed in paragraph **VII** above, is separate and distinct from your formal **Right To Appeal To The State Personnel Board** as detailed in paragraph **VIII** above. You may exercise both rights as long as you do so within the time limits provided.

Dated: May 7, 2018


Kathleen Chaussee
Personnel Officer
Human Resources Division
California Public Employees' Retirement System

cc: Marcie Frost, Chief Executive Officer
Katie Hagen, Skelly Officer
State Personnel Board Hearing Office
Official Personnel File

Enclosures: Supporting Materials

- | | |
|---------------------|---|
| Attachment 1 | Executive Office Organization Chart |
| Attachment 2 | Duty Statement, Chief Financial Officer |
| Attachment 3 | CalPERS Core Values and Guiding Behaviors |
| Attachment 4 | Employee Training History for Charles Asubonten |
| Attachment 5 | Confidential Investigation Report, dated 5/3/18, and Exhibits thereto |
| Attachment 6 | CalPERS Conflict of Interest Code |
| Attachment 7 | CalPERS Form 700 Information Center |
| Attachment 8 | Chief Financial Officer Job Profile |

STATE PERSONNEL BOARD APPEAL/COMPLAINT FORM

SPB USE ONLY

GENERAL INSTRUCTIONS: All appeals and complaints must be in writing. Most appeals and all complaints must clearly identify the facts that form the basis for an appeal or a complaint, all known parties, and specify the remedy or relief requested. Failure to identify the factual basis for an appeal/complaint subject to this requirement may result in the matter being rejected by the Appeals Division. Further, the appellant or complainant should include a copy of the determination or action that is the subject of the appeal or complaint. The Appeal Form must be received by the Appeals Division of SPB within the applicable time lines for the specific type of appeal or complaint as outlined in the California Code of Regulations, title 2, section 52.4.

Please complete all applicable items on this form in the sections below. **DO NOT** include your Social Security Number anywhere on this form. **Multiple appeals or complaints require multiple forms.**

APPELLANT

Name (Last, First Middle Initial) Asubonten, Charles			
Mailing Address (Number) [REDACTED]		(Street) [REDACTED]	
(City) [REDACTED]		(State) [REDACTED]	
(Zip Code) [REDACTED]		E-Mail Address [REDACTED]	
Phone (Home) [REDACTED]		(Work) [REDACTED]	
(Cell) [REDACTED]			

REPRESENTATION (if applicable)

Name (Last, First Middle Initial) Hayden, Herbert		Phone (Work) 213-489-9833	
Law Firm or Union Harris & Associates		Fax 213-489-3761	
Mailing Address (Number) 865 S. Figueroa Street Suite 2750		(Street) [REDACTED]	
(City) Los Angeles		(State) CA	
(Zip Code) 90017		E-Mail Address Herbert@jwharrislaw.com	

EMPLOYMENT/DEPARTMENT/AGENCY INFORMATION

Name of the Classification/Title you are appealing Chief Financial Officer			
Department/Agency CalPERS		Fax [REDACTED]	
Contact (if known) Marcie Frost		Phone (Work) [REDACTED]	
Mailing Address (Number) 400 Q Street		(Street) [REDACTED]	
(City) Sacramento		(State) CA	
(Zip Code) 95811		E-Mail Address marcie.frost@calpers.ca.gov	

TYPE OF APPEAL/COMPLAINT: (CHECK ONLY ONE)

<input type="checkbox"/> Adverse Action/Disciplinary Action	<input type="checkbox"/> Request to File Charges
<input type="checkbox"/> Constructive Medical Termination	<input type="checkbox"/> Termination of Limited Examination and Appointment Program
<input type="checkbox"/> Discrimination Complaint (includes Harassment, Retaliation & Denial of Reasonable Accommodation)	<input type="checkbox"/> Termination/Automatic Resignation of Permanent Intermittent Employee
<input type="checkbox"/> Dismissed Employee's Denial to Take Civil Service Examination	<input type="checkbox"/> Termination of Career Executive Assignment (CEA) Appointment
<input type="checkbox"/> Examination (includes Minimum Qualifications & Out-of-Class claims)	<input type="checkbox"/> Voided Appointment
<input type="checkbox"/> Lesser Adverse Action	<input type="checkbox"/> Whistleblower Retaliation Complaint
<input type="checkbox"/> Medical Termination/Demotion/Transfer	<input type="checkbox"/> Withhold From Certification
<input type="checkbox"/> Merit Issue Complaint	
<input type="checkbox"/> Nonpunitive Termination/Demotion/Transfer (License Revocation/Restriction)	<input type="checkbox"/> California State University (CSU) Appeal
<input type="checkbox"/> Pre-Employment Medical/Psychological Disqualification or Drug-Test Failure	<input type="checkbox"/> Appeal from Counties without Approved Merit System
<input checked="" type="checkbox"/> Rejection During Probationary Period	

SPB APPEAL/COMPLAINT FORM

PAGE 2

REASON(S) FOR APPEAL/COMPLAINT:

I disagree with and appeal the Department/Agency Decision/Action dated: 5/16/2018

MY REASONS ARE AS FOLLOWS (attach additional pages as needed):

See attached.

☒ Additional Page(s) attached.

Please Note: Further information concerning the types of appeals and complaints as well as related time frames for filing is available in the **Appeals Resource Guide** which may be accessed at www.spb.ca.gov. To avoid delay in processing of your appeal, please enclose a copy of the notice, action or response you received from the department/agency involved.

Appeals/Complaints and supporting documentation should be filed by email (appeals@spb.ca.gov), but can also be mailed, personally delivered or sent by facsimile transmission (fax) to:

State Personnel Board
Attn: Appeals Division
801 Capitol Mall, MS #22
Sacramento, California 95814
FAX: (916) 654-6055


SIGNATURE OF APPELLANT/REPRESENTATIVE

5/30/18
DATED

ATTACHMENT

CHARLES ASUBONTEN'S APPEAL TO NOTICE OF REJECTION **DURING PROBATION**

COMES NOW, CHARLES ASUBONTEN (hereinafter referred to as "Asubonten" or "Appellant"), who hereby files his Appeal to the decision to sustain the Notice of Rejection dated May 7, 2018, pursuant to Government Code section 19175.

I.

INTRODUCTION

According to section 19173(a), "any probationer may be rejected by the appointing power during the probationary period for reasons relating to the probationer's qualifications, the good of the service, or failure to demonstrate merit, efficiency, fitness, and moral responsibility..." Cal. Gov't Code § 19173. Any such notice must be effected in writing and include: (A) an effective date for the rejection that shall not be later than the last day of the probationary period; and (B) a statement of the reasons for the rejection. Cal. Gov't Code § 19173. In the instant matter, the Notice of Rejection is insufficient in that it fails to set forth an adequate statement of specific reasons upon which Appellant was rejected.

II.

SUMMARY OF AUTHORITY'S ALLEGATIONS

a. Allegation 1: Asubonten made misrepresentations regarding Transmax/RSA Capital on his STD 678 Examination/Employment Application and Form 700 and regarding Transmax – Maximum Transformation on his resume.

b. Allegation 2: Asubonten failed to disclose his complete work history on his resume and STD 678 Examination/Employment Application.

III.
APPELLANT'S CONTENTIONS

1. STATEMENTS MADE ON FORM 700 ARE NOT A VALID BASIS FOR TERMINATION

Form 700 was developed by the legislature to ensure that elected and appointed government officials identify potential conflicts of interest tangential to their employment. No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. Cal. Gov't Code § 87100. According to Cal. Gov't. Code section 87202(a) “every person who is appointed or nominated to an office specified in Section 87200 shall file a statement disclosing his or her investments and his or her interests in real property held on the date of assuming office, and income received during the 12 months before assuming office not more than 30 days after assuming office.” Cal. Gov't Code § 87202.

The purpose of Political Reform Act of 1974 [and form 700] is to prevent a government official from participating in decisions where it appears he may not be totally objective because outcome would likely benefit corporation or individual by whom he is also employed. Witt v. Morrow (App. 4 Dist. 1977) 70 Cal.App.3d 817. All potential conflicts must be disclosed and it is only when an employee must participate in a particular decision that it is determined whether a conflict is “material” enough and sufficiently peculiar to interests of an employee, as opposed to the public generally, to require disqualification. Metropolitan Water Dist. of Southern California v. Fair Political Practices Commission (App. 2 Dist. 1977) 73 Cal.App.3d 650.

As noted by the authority, Appellant listed Transmax/RSA Capital, and CFA Institute, and a home located in Detroit, Michigan. As such, he complied with the requirements of the form as proscribed by the spirit of the law.

Issues cited by the panel include the valuation of business, business address, registration of the business and the corporate form of the business. The valuation of a company is subject to a

wide array of interpretation even when considered by professional business appraisers; therefore, the authority's citation that Appellant somehow intentionally misled the investigators is mistaken. Appellant has consistently maintained that the valuation of Transmax was based upon goodwill, intellectual property, cash on hand, and ownership equity. The authority's claim that the \$1.0 million valuation he assigned to Transmax was false and misleading is not supported by admissible, credible evidence other than opinion. The Appellant earned \$23,750 per month or \$285,000 on an annualized basis in 2017 from the company. An asset generating over \$250,000 annually can easily be valued at 4x's gross revenue even under the most conservative valuation model. The authority offers absolutely no evidence to contradict or rebut the Appellant's opinion of the value of his company.

Furthermore, allegations that Mr. Asubonten attempted to mislead the authority by virtue of incorrectly listing Transmax's business type on form 700 overreaches and is misguided. The Appellant indicated the following with regard to Transmax on his form 700: "Type: Business Entity;" "Nature of Investment: Partnership;" "Your Business Position: Managing Director". None of the statements made with regards to Transmax on the form 700 are inconsistent with his resume listing himself as the managing director for the company, which is a sole-proprietorship. As Asubonten informed the investigators, Transmax derives its business by providing investment services in South and West Africa which requires that foreign investment be conducted via an external/foreign company or subsidiary. See RSA The Company Act § 23. The primary vehicle by which Appellant meets this requirement is through using the relationships with the five persons he described as partners (George Negota- South Africa, Negota Consulting; William Kudze- Zambia, Transmax JK Trading; Nana Acheampong- Ghana, Subsahara Mining Co., Michael Oduro- Ghana; Matthew Malama- Zambia)

Indeed, neither Zambia, Ghana, nor South Africa require registration under the following circumstances:

- a. conducting a meeting of the shareholders or board of the foreign company within the Republic, or otherwise conducting any of the company's internal affairs within the Republic;
- b. establishing or maintaining a bank account in the Republic;
- c. establishing or maintaining offices or agencies within the Republic for the transfer, exchange, or registration of the foreign company's own securities;
- d. creating or acquiring any debts within the Republic, or any mortgages or security interests in any property within the Republic;
- e. securing or collecting any debt, or enforcing any mortgage or security interest within the Republic; or
- f. acquiring any interest in any property within the Republic.

Given the totality of circumstances, it is clear that Appellant, who is not an attorney, not only had some difficulty describing the corporate structure of Transmax, but also describing the international complexities of doing business in Africa as a foreign investor.

Most importantly, it is dubious whether the authority even has standing to question the accuracy of the representations made on Form 700. The Fair Political Practices Commission has the jurisdiction to enforce compliance under the Act, not the agency or political body by whom the filer is employed. Enforcement of any violations of the Act is done administratively by the FPPC's Enforcement Division, criminal prosecution by the local district attorney or attorney general, or other civil action. The authority has cited no authority, nor is Appellant aware of any authority under which a filer's employer has standing to enforce compliance or otherwise use purported misrepresentations on Form 700 for disciplinary purposes. The purpose of filing Form 700, simply put, is to determine whether Asubonten held any ownership interest that would invade his objectivity in performing his duties as Chief Financial Officer for CalPERS.

2. INVESTIGATION IS DEVOID OF FACTFINDING REGARDING INTERVIEWS DURING HIRING PROCESS

Attendant to the employment application process, Asubonten was also interviewed on August 24, 2017, by approximately five (5) CalPERS personnel involved with the ultimate decision to hire him. The following persons interviewed Appellant after he submitted his employment application materials on or around June/July 2017: Matthew Jacobs, General Counsel; Marcie

Frost, Chief Executive Officer; Fritzie Archuleta, Deputy Chief Actuary; and Arnita Paige, Assistant Division Chief. None of these persons took issue with the nature of Appellant's work at Transmax. Frost and Jacobs, in particular, questioned Asubonten about the contents of his cover letter and his references, with whom they did speak and verify the Appellant's accomplishments. Notably, neither of these critical witnesses were interviewed to determine what role his ownership interest in Transmax played in the hiring process, if any. Appellant states that this subject was never brought up during his interview.

Tellingly, LA Times Reporter stated that during a telephone interview CalPERS CEO Frost delivered an unqualified vote of support for Asubonten. Frost cited Appellant's "ability to look at the finances of an organization and really embed financial thinking into every single decision. That was why CalPERS thought Asubonten would be an excellent candidate, and over the last five months that has proven to be exactly true." Frost's words echo those of other references that Appellant has been submitted with the instant appeal in Section 4 below.

Indeed, the investigation does not demonstrate whether during the interview either Frost or Jacobs inquired Appellant about what type of entity Transmax is; what type of business Transmax conducts; or what Appellant did for Transmax. Such a line of questioning is material and substantive to determining if Asubonten was truthful or attempting to mislead CalPERS. Conversely, the investigator does rely upon the testimony Timberlake D'Adamo and Kami Niebank, however, neither witness provided any material evidence; if anything, both witnesses suggest that Appellant overreported on his form 700; that he was a novice in filling out the form; and that his statements were consistent with his resume and employment application. Additionally, Niebank's statements about "cynicism" (which Asubonten wholeheartedly denies) connote that she has prejudged Appellant or read media reports that have tainted her recollection of her October 30, 2017 interview with him.

The failure of the investigation to solicit testimony from those directly responsible for vetting Appellant and recommending his employment to the Board is so fatally flawed that it is an

effective denial of Appellant's right to due process guaranteed under the 14th Amendment of the U.S. Constitution. The report is devoid of any evidence showing that Appellant misrepresented his employment history to the very persons who hired him during the interview process, and whether any such misrepresentations were material to the hiring process. This investigation cannot stand when the investigator has so carefully sidestepped the issue as to whether Appellant's experience with Transmax was materially relied upon by the interviewers and the authority in the hiring decision process.

3. THE INVESTIGATION FAILS TO SET FORTH THE SPECIFIC REGISTRATIONS THAT ASUBONTEN ALLEGEDLY DID NOT OBTAIN ON BEHALF OF TRANSMAX/RSA CAPITAL.

Throughout the investigation report, the investigator continues to recite testimony regarding whether Appellant registered Transmax or treated it as a business or company. Firstly, such a line of interrogation is not reasonably calculated to lead to the discovery of relevant evidence in this matter. Secondly, such questioning does little to solicit testimony regarding Appellant's self-employment history. Lastly, the investigator provided no statute, rule or regulation that requires Appellant to register a consultancy business. For these reasons alone, the allegations as to Transmax's corporate status and Appellant's relationship thereto must be stricken, as they attempt to insinuate that the lack of registration is somehow in violation of CalPERS Policies, Guidelines, and Core Values. To use legal nuances as to whether Transmax is a company or business that must be registered with some unknown governmental agency is merely sophistical gimmickry.

As indicated above in Section 5, *infra*, Exhibits F and G, Appellant reasonably believed that he was under no obligation to register Transmax given the international customs and practices of the private equity investment industries in South Africa, Ghana and Zambia. In any event, whether he was required to register his company is of no consequence to the authority.

4. APPELLANT CAN PROVIDE CHARACTER WITNESSES WHO CORROBORATE HIS EMPLOYMENT HISTORY, INCLUDING NANA ACHEAMPONG

In addition to failing to question those persons who interviewed Asubonten, the investigators also failed to interview the references that Appellant listed with his employment application (Peter Daniel, Gunter Dufey, Dennis Brazier).

More importantly, the authority's reliance upon the sloppy and unprofessional interview of an unassuming Nana Acheampong provides no substantive weight to the investigation. Specifically, on April 19, 2018 in the afternoon, Mr. Acheampong, an Ghanaian businessman, was shockingly contacted by a CalPERS investigator, a stranger unknown to him, who then went on to ask confidential questions relating to his close, business relationship with Appellant. As indicated in Mr. Acheampong's statement attached hereto as Exhibit A, he (1) did not feel comfortable discussing such private matters with a complete stranger; (2) the phone connection was poor for the purposes of the call; and (3) acknowledged, in fact, working with Appellant on Transmax/RSA Capital.

Appellant hereby also submits letters of recommendation written in support of his candidacy and employment record by Peter Daniel, Niesje Reynecke, Mari Oosthuizen, and Cheryl Forster-Garton. The letters of recommendation are attached hereto as Exhibits B, C, D, and E. As each letter states, Appellant has a stellar record for reliability, honesty and performance in the finance industry; there are no prior instances of such misrepresentations or intentional malfeasance at any point in his background, academic records, or work experience, etc.

5. THE INVESTIGATION IS FLAWED IN THAT IT FAILED TO CONSIDER EVIDENCE SUBMITTED BY APPELLANT

The investigator goes through great lengths to highlight purported mistakes made by Appellant during the employment application process; furthermore, the investigator castigates Appellant for not adhering to business norms related to "registration" in the United States, as opposed to complying with the laws of the local jurisdictions wherein he conducted business.

As noted above, the registration of Transmax as an external (foreign) company and/or subsidiary was not required as described *supra* in Section 1 pursuant to the Companies Act. As such, Appellant conducted business as a sole proprietorship with the fictitious business name “Transmax/RSA Capital”. According to his own research, Appellant also determined that he was not required to file or register a fictitious business name statement. According to the Maryland State Department of Assessments and Taxation, sole proprietorships and general partnerships are not technically legal entities; and are therefore, not required to register with the state or submit annual filings. See attached Exhibits F and G. Given the forgoing, Asubonten reasonably believe he was under no requirement to register Transmax under that jurisdiction.

Further, the authority’s finding that Appellant misled CalPERS regarding the nature of his employment relationship is also misplaced. Appellant’s Form 700, resume and employment application clearly indicate that he worked as “Managing Director” for Transmax. Asides from the notation – “Nature of Investment: Partnership” – no other possible reference to the type of entity that Transmax purports to be is made in the application documents. Appellant maintains that being described as a managing director, neither affirms or denies that the entity is a sole proprietorship, corporation or partnership. In fact, the Appellant confirmed during his interviews that he did business as Transmax, earned money through Transmax, and that he earned said monies by engaging in joint ventures with his partners throughout Africa for investment. It appears that Appellant did, in fact, provide numerous documents to the investigator illustrating his public work on behalf of Transmax. Unfortunately, the investigator in his zeal to sustain his findings of misconduct, chose not to include them in his final report. See Exhibit H.

Lastly, it is not uncommon for companies to operate virtually, by only maintaining a post office box as Appellant did here. The fact he used a UPS Store mailbox as Transmax’s address is of no consequence, and not indicative of moral turpitude, malevolence, or fraudulent intent. In today’s world, most consultant’s offices consist of a computer and WiFi access. Brick and mortar offices are no longer trendy or desirable. To suggest that Appellant’s business is a sham

on the basis that he listed its address at a UPS Store is an absurdity. Significantly, he made no effort whatsoever to cancel its UPS Store address. It was prominently listed on his employment application.

The allegations that Appellant misled CalPERS by the submission of his resume and Form 700 cannot be substantiated because it fails to show a nexus between his moral responsibility or integrity and the supposed illicit, nefarious conduct. Similarly, Appellant disagrees with the determination that the incorrect information warrants his rejection because the information directly relates to his qualifications.

6. THE INVESTIGATION HAS FAILED TO PRODUCE A SCINTILLA OF EVIDENCE OF APPELLANT'S FAILURE TO DEMONSTRATE MERIT, EFFICIENCY AND FITNESS FOR THE JOB OF CFO

The investigative report contains no evidence of the Appellant's failure to demonstrate merit, efficiency and fitness for the job as required under the Gov't Code. Instead, they rely solely on his purported mischaracterizations of Transmax's business forms, and whether he overstated its value on Form 700, all of no legal consequence to his employer. Appellant's performance during his 7-month tenure has been exemplary and, in fact, has received praise from his CEO, Marcie Frost. This expedited and poorly conducted investigation was triggered by an incendiary blog written by a CalPERS gadfly who has targeted the Appellant as her next victim, and CalPERS has fallen prey to her attacks. Due process requires that an employment investigation be fair and objective to the subject employee. Here, CalPERS has clearly fallen short of discharging that responsibility.

IV.

CONCLUSION

For the forgoing reasons, we respectfully submit this Appeal to the State Personnel Board and request that CalPERS immediately restore Appellant to his position as Chief Financial Officer.

Respectfully submitted,

HARRIS & ASSOCIATES

Herbert Hayden, Esq.

Dated: May __, 2018

EXHIBIT A



SPB 000040
PUBLIC RECORDS SYNERGY GROUP
P.O. Box 1127, Accra, Ghana
10 Gye Nyame Lane, Achimota, Accra, Ghana
Tel: +233 302 241915 Cell: +233 248 269455
Email: info@spbsynergygroup.com

By email:

May 7, 2018

Dear Sir/Madam,

It has come to my attention that a telephone conversation between one Sean Espley of Calpers and myself on 19th April 2018 was part of investigations into the background of Mr. Charles Asubonten and that what transpired between us has formed the basis of your findings against Mr. Charles Asubonten.

I wish to comment as follows:

1. In the afternoon of April 19 2018, I received a call from somebody claiming to be calling from Calpers wishing to speak to me on an undisclosed matter.
I was out of the office in a noisy environment at the time and so I requested that he calls back in about fifteen or twenty minutes by which time I hoped to be disengaged.
2. In less than 15 minutes Mr. Sean Espley called back. I had not disengaged from what I was doing previously nevertheless I picked up the call. Mr. Espley wanted to find out if I knew Mr. Asubonten. I said I did. He wanted to find out in what way. I told him the relations go back to the period I worked under his father. That the relations have grown from then till now and gave him instances. That I know Mr. Asubonten had worked in Parabola in South Africa. The Whatsup line was unstable and it terminated by itself.
3. In the meantime, I tried to reach Mr. Asubonten to find out if he knew of a Mr. Sean Espley from Calpers who was asking me questions about him or whether I was dealing with a phantom as I had become aware of a smear campaign against Mr. Asubonten. And whether I should open up and talk about confidential matters relating to our businesses together. But I was not successful.
4. I returned then to Mr. Espley and I tried several times calling the number by which he had called me but it kept telling me I was calling a non-existing number which further raised my suspicion.
5. When Mr. Sean Espley finally got through to me, I suggested that we push the conversation forward, but he insisted that we talk there and then and asked me whether I knew of Transmax. I repeated the name to myself a number of times and indicated that it sounded familiar as I wondered why he wanted to know about that particular entity.
6. He then asked me whether I knew of RSA Capital. I said I did.
7. The line went dead again. I tried to call him back but I couldn't get through. When Mr. Espley finally got through to me, he wanted to know what I knew about it and I said we were involved in raising capital for infrastructure development in Africa.
8. I also indicated that we did not operate from a physical location, but worked on specific projects where our competences would be at play.



Investment Consultants, Fund Managers, and Loans & Investment Services & Discretionary Portfolio Management & Advisory Financial Services for the Small & Medium Enterprises



TRANSMAX/RSA CAPITAL
2000, Room 315/316, Cantonments, Accra, Ghana
10 Gye Nyame Lane, Achimota, Accra, Ghana
Tel: +233 (0) 2331915 Cell: +233 1 244 7903/5
Email: nanaacheampong@transmaxrsa.com

9. The line went dead again.
10. Soon after, Mr. Asubonten returned my call. I explained to him what was happening and what was going on. He explained that some questions were being asked about his background by Calpers, as a result of the negative press about his background. I told him that in the absence of confirmation with him that Sean Espley was a real person, I had kept some of the information back from him.
11. But Mr. Asubonten explained that it would have been alright if I had opened up.
12. I explained that I would have done so if Mr. Sean Espley had been straightforward with me instead of adopting the attitude of trying to "catch me" at something.
13. For the record, my background includes working at the Presidency of Ghana as an advisor. I have been involved in several businesses in Africa.
14. I have served as Mr. Asubonten's advisory chairman as he went about working in his personal capacity as managing director of Transmax/RSA Capital.
15. As his advisory chairman, I served as his mentor or a supervisor as it would be applicable in America. Please note that business structures in Africa are completely different from those in Africa.
16. I have provided advice and direction to Mr. Asubonten on several projects that he has worked on. As he advised companies in Africa or those doing business in Africa, he sought local input from me. When I recently worked in Government, he helped us to streamline our operations.
17. Transmax was the consulting arm while RSA Capital was intended to be the financing vehicle. As a matter of fact, I remember an exchange with him on the day when he first went to Calpers in his capacity as managing director of Transmax/RSA Capital as he was looking to find opportunities then to invest directly in major projects in Africa.
18. Before he took the job at Calpers, we were working on a project for him to run the Ghana Infrastructure Fund. He advised several entities.
19. In summary, let me state that in African terms, I was Mr. Asubonten's supervisor for the period stated in his resume and application (2010 – 2012 and 2013 – 2017).
20. I would like to state also that he is a noble business man with strong ethics who has helped many businesses operate efficiently.
21. I would therefore kindly suggest that Calpers allow him to do what he does best, to create value for all stakeholders.

Yours faithfully,

Nana Acheampong
Executive Chairman



Investment Consultants / Joint Managers / Oil, Gas & Petroleum / Civil & Electrical, Infrastructure / Water & Environmental Services / General Managers

EXHIBIT B

Herbert Hayden

From: Charles A. Asubonten [REDACTED]
Sent: Wednesday, May 9, 2018 8:06 PM
To: John Harris; Herbert Hayden
Subject: Fw: Fwd: Charles Asubonten

This is what the Ford SVP and controller sent back. Please let me know if you agree with his line of approach. He is an Australian who lives in Australia now.

Sent from Yahoo Mail for iPhone

Herbert Hayden

On Wednesday, May 9, 2018, 7:04 PM, Peter Daniel [REDACTED] wrote:

I did send the attached note to Gina.

It may be a bit over the top for me to send the draft you prepared given what I have previously provided. It may be more appropriate to indicate something along the following lines.

Charles has informed me you are doing a review of Charles position of CFO (or whatever they are calling it) and I thought it may be appropriate to remind you of the key attributes of Charles which I outlined in the attached note to your HR department when you were considering Charles for CFO.

I think you made a very good choice in choosing Charles and although I do not understand the nature of the present review, I would assume that it based on an objective review of his performance while in the job.

Feel free to amend as appropriate.

Let me know what you think.

Hang in there.

Sent from my iPad

Begin forwarded message:

From: Peter Daniel [REDACTED]
Date: September 13, 2017 at 4:56:55 PM GMT+10
To: "Haskell, Gina" <Gina.Haskell@calpers.ca.gov>
Subject: Re: Charles Asubonten

Hi Gina,

Probably easier if I respond in note form.

My involvement with Charles was at the beginning of his career. Charles joined Ford on the Graduate Program. This involved working for 18 months in various Finance functions within the company (e.g. working in the Controllers Office at a manufacturing plant) to provide a broad perspective of the various roles of Finance within Ford.

My role was to mentor Charles during this initial training period. This involved giving him advice and feedback, being a person he could turn to if required, ensuring he was getting meaningful assignments, and monitoring his progress. As such I spoke to Charles and his various supervisors on a regular basis during this period. Following this training program, Charles was then assigned to specific jobs within the Finance function and I continued to remain in close contact with him while he was still with Ford and I was still working in the USA (I had a number of overseas assignments during my career with Ford).

So my working involvement with Charles was during his initial years with Ford. My key observations of Charles were as follows:

- .very intelligent
- .intellectually curious
- .did not readily accept the status quo when he believed change was necessary (which took quite a bit of courage for a young African American at that time)
- .was proactive and persistent
- .was very ambitious

While I cannot comment on his supervisory skills (for the reasons outlined above), I believe the very strong attributes outlined above would make him a very valuable employee for any organization.

Ps as a side note, Charles has made contact with me every year just to touch base and see how my family and I are doing-- this covers a span of 20 plus years. In my experience, this is unusual and speaks highly of the sort of person he is.

Please let me know if I can be of further assistance.

Regards.

Sent from my iPad

On Sep 13, 2017, at 10:05 AM, Haskell, Gina <Gina.Haskell@calpers.ca.gov> wrote:

Hi Peter,

Thank you so much for your call. It appears I was missing the "J" for your email. As mentioned, Charles is our top candidate for the CFO position. Any insight you may provide

Is appreciated. A form is provided for your convenience, however, feel free to simply make notes, as you like, and submit, if that is your preference.

Again, many thanks,

8 | Gina

NFrom: Haskell, Gina
Sent: Monday, September 11, 2017 1:04 PM
To: [REDACTED]
Subject: Charles Asubonten

Hello Peter,

We are very interested in hiring Charles Asubonten for the Chief Financial Officer position here at California Public Employees Retirement System.

I have attempted to reach you via phone, however, it is difficult with the time difference. I am attaching a reference form, that may be more convenient

than a phone call. I do hope you will take the time to complete it, as best you can, and return to me at your earliest convenience.

We appreciate your time. Do not hesitate to reach out if you have any questions.

Best Regards,

Gina Haskell

CalPERS, Human Resources Division

Executive Recruitment & Special Projects

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<Management-Reference-Check.doc>

EXHIBIT C

1A Worsboom Street
Wavecrest
Jeffreys Bay
South Africa
6330

09 May 2018

Dear Sir / Madam:

Charles A Asubonten was employed by Rio Tinto and seconded to Palabora Mining Company, a Rio Tinto owned company, as Chief Financial Officer from 2006 to 2010. He was also appointed as an Executive Director of Palabora Mining Company, Chairman of both the Palabora Foundation board of trustees and Palabora Pension Fund in July 2006. In addition he served as a member of the audit committee of Rossing Uranium Limited in Namibia.

During this time at Palabora, Charles was responsible for the following departments: Finance/Accounting/Treasury, Company Secretary and Pensions (including legal - outsourced), Investor Relations, Internal Audit, Tax, Supply Chain (Procurement and Inventory) and Information Services and Technology.

During his employment at Palabora Mining, I reported directly to Charles. I was responsible for Procurement, Inventory, and as Information Technology had been centralized within Rio Tinto, I was the Demand Manager for Rio Tinto IT and responsible for the onsite services, capital projects and IT Governance.

Charles always displayed a high degree of integrity, honesty and trustworthiness. He is analytical and strategic minded and ensured that he understood all the aspects of the business. He has the ability to communicate with all levels of employees and his departments were known for producing timely and effective information for executive decision making.

Charles is multi-disciplined, yet technical and enquiring enough to spot both opportunities and problems within the large diversified team he was leading. He is team orientated and a true mentor and ensured that all the managers of the departments reporting to him had to participate in the decision making process and financial reporting of the company to gain experience.

Charles was the "manager" you never went to **with** a problem. You went to see Charles when you had a problem and had thought about all the possible solutions to discuss the best one to take with him and / or the team.

It was an honor and a privilege to have worked for a man with such integrity as Charles Asubonten.

Please do not hesitate to contact me should you require any further information or confirmation.

Email address: [REDACTED]

Cell phone: [REDACTED]

Landline: [REDACTED]

Regards



Niesje Reynecke

EXHIBIT D

To Whom it may concern

REFERENCE ON CHARLES ASUBONTEN

Twice, thus far, I had the privilege of working for/reporting to Charles Asubonten:

- First, during Charles' tenure with Palabora Mining Company (South Africa), where Charles served as CFO from 2006 – 2010, and
- Second, with Mopani Copper Mines (Zambia, Africa), where Charles was also CFO, from 2012 – 2013.

My roles, reporting to Charles, were on managerial level, and covered financial reporting, taxation, assurance (including internal audit) and risk management (to a lesser extent).

In this reference, I want to focus on Charles' leadership, mentorship and people development, as I have experienced it.

My earliest recollection of Charles is where he applied, in his early days at Palabora, different leadership styles:

- at the proper moment, individual, dedicated attention and conversations,
- then combining that with inclusive, direct report team sessions, and
- also, including his wider team with what was called "CFO Town Hall" meetings (with teams ranging from 70 – 100). Here, I recall Charles' opening address to his full department upon joining Palabora, "I believe everyone has something to contribute, to this team, and this Company".

Charles is a leader who is keen to engage with people in his team, irrespective of level, and he demonstrated insight, clarity, guidance, compassion to people of all gender, race or age. It was always amazing to observe how Charles could "get" to people, make them talk, participate. And Charles had the proverbial "memory like an elephant", which he used wisely.

As a leader, Charles also had a structured, organized style – you always knew what was your responsibilities, deliverables and deadlines. And Charles always gave constructive feedback, praising where deserved, but also always discussing development areas, and raising the bar of performance, so as to embed the habit of continuously excelling.

If you had the privilege of working with Charles, the opportunity for personal development would come along, and Charles was never holding back on giving people in his team opportunities and resources:

- Reading material – Charles has shared his personal collection of audio and printed books with his wider team constantly,
- Study and further study opportunities were given,
- Exposure to present and gain confidence or better presentation skills were given,
- Opportunities to travel and participate in holding company initiatives in the region were given.

All in all, Charles always appeared to consider the opportunities of every situation to further develop and expose his team members. To have been able to do this, Charles must already have been confident and mature as a leader, and had the wisdom to know what to do when.

The natural result of this is that Charles became a mentor for quite a few people at Palabora, and those people were not necessarily restricted to his team, it even included some operational individuals and people in the community.

Charles' positive influence as a leader and mentor is evident in the relationships and network he maintains, spanning the companies and countries where he has been involved.

Charles was an inclusive leader, and as far as possible he made time to accommodate everyone, and I believe most have positively grown in this sunlight of attention given to them.

As a mentor, Charles has been instrumental in directing people to discover their moral compass.

Personally, it was a privilege and honour to have worked for Charles twice in my career.

Regards

Mari Oosthuizen (du Plessis)

EXHIBIT E

May 9, 2018

To whom this should matter:

I have had the pleasure and honor to work with and for Mr. Charles A. Asubonten for the last seven months. Having said that, I need for all to understand what an asset Charles is to the CalPERS organization. His professionalism and modesty carries across the board, whether you are an executive colleague or a seasonal clerk. Charles stays neutral and upbeat even when it would warrant not to act in that manner.

I most admire that he does the right thing for the right reason, therefore meaning you can trust him. Trust in today's environment is a rarity and so refreshing to know it still exists.

Another trait is Charles ability to listen, truly listen. He makes you feel important, valued and you just might have some valuable insight.

Probably the most important item of all is Charles is here at CalPERS to make a positive financial difference to benefit all, keeping in mind we are here first and foremost for the members.

If there is a need for additional elaboration on the exceptional characterization of Mr. Asubonten, please feel free to reach out to me.

Respectfully,

A handwritten signature in cursive script, appearing to read "Cheryl Forster-Garton".

Cheryl Forster-Garton

Administrative Assistant to Charles A. Asubonten, CFO

Contact information:

Cheryl.Forster-Garton@calpers.ca.gov
916.795.9565

EXHIBIT F

Doing Business Under a Fictitious Name

Businesses often use assumed names to operate under multiple names while maintaining a single legal entity. Other terms used to describe an assumed name include: fictitious name, doing business as (DBA), or trade name. The process of adopting an assumed name varies by where you operate, but registrations are typically filed with the secretary of state or at the county level.

Most states require companies using an assumed name to register, however, 13 states (Alabama, Alaska, Arizona, Delaware, Florida, Hawaii, Kansas, Maryland, Mississippi, Nebraska, Ohio, Wisconsin, and Wyoming) do not have a state filing requirement. Firms in these states may need to register their assumed name at the local level instead.

In addition to state filing requirements, 21 states also have county assumed name registration requirements. Depending on the legal structure of your business (e.g. LLC, corporation), a business may need to register an assumed name with the state and county or just the county. Sole proprietorships and general partnerships are more likely to need a county assumed name registration than other business structures.

After registering an assumed name, seven states require the company to publish their assumed name in a newspaper or legal publication. These states are California, Florida, Georgia, Illinois, Minnesota, Nebraska, and Pennsylvania.

Assumed name registration generally provides little protection against another business using the same name. Several states guard registered assumed names by refusing overly similar names, but only Alaska and North Dakota provide exclusive name rights with registration.

The majority of states that require registration of assumed names also require renewal of assumed name registration. Typically assumed names need to be renewed every five years, but other states have renewal cycles ranging from every one to ten years.

State	Term	Initial Application	Renewal Application
Alabama ▶ More info (/information/alabama-fictitious-name-registration-renewal)	Trade Name	\$30	\$30
Alaska ▶ More info (/information/alaska-fictitious-name-registration-renewal)	Name Registration	\$25	\$25
Arizona ▶ More info (/information/arizona-fictitious-name-registration-renewal)	Trade Name	\$10, additional \$25 fee for expedited service.	\$10, additional \$25 fee for expedited service.
Arkansas ▶ More info (/information/arkansas-fictitious-name-registration-renewal)	Fictitious Name	\$15-25 depending on entity type.	Not required.
California ▶ More info (/information/california-fictitious-name-registration-renewal)	Fictitious Name	Fictitious names are only filed at the county or city level in California.	
Colorado ▶ More info (/information/colorado-fictitious-name-registration-renewal)	Trade Name	\$20	\$5
Connecticut ▶ More info (/information/connecticut-fictitious-name-registration-renewal)	Trade Name	\$8 Trade names are only filed at the town level in Connecticut.	Not required.
Delaware ▶ More info (/information/delaware-fictitious-name-registration-renewal)	Trade Name or Fictitious Name	\$25 Fictitious names are only filed at the county level in Delaware.	Not required.

District of Columbia ▶ More info (/information/district-of-columbia-fictitious-name-registration-renewal)	Trade Name	\$55	\$55
Florida ▶ More info (/information/florida-fictitious-name-registration-renewal)	Fictitious Name	\$50 for the registration and \$30 for an optional certified copy of the name registration.	\$50
Georgia ▶ More info (/information/georgia-fictitious-name-registration-renewal)	Trade Name	Usually about \$200 including the publishing fee. Fees vary slightly by county. Fictitious names are only filed at the county level in Georgia.	Not required.
Hawaii ▶ More info (/information/hawaii-fictitious-name-registration-renewal)	Trade Name	\$51	\$51
Idaho ▶ More info (/information/idaho-fictitious-name-registration-renewal)	Assumed Business Name	\$25	The fee to file an amendment is \$10.
Illinois ▶ More info (/information/illinois-fictitious-name-registration-renewal)	Assumed Business Name	Varies by entity type and time of filing.	Varies by entity type.
Indiana ▶ More info (/information/indiana-fictitious-name-registration-renewal)	Assumed Business Name	\$10 online or \$26 by mail for nonprofits and \$20 online or \$30 by mail for corporations, limited liability companies, and limited partnerships.	Not required.
Iowa ▶ More info (/information/iowa-fictitious-name-registration-renewal)	Fictitious Name or Trade Name	\$5	Not required.
Kansas ▶ More info (/information/kansas-fictitious-name-registration-renewal)		Not required at the state level. ▪ Kansas does not currently have fictitious name registration requirements at the state or local level.	Not required.
Kentucky ▶ More info (/information/kentucky-fictitious-name-registration-renewal)	Assumed Name	\$20	\$20
Louisiana ▶ More info (/information/louisiana-fictitious-name-registration-renewal)	Trade Name or Assumed Name	\$75	\$75
Maine ▶ More info (/information/maine-fictitious-name-registration-renewal)	Assumed Name	\$25 for nonprofits or \$125 for all other entity types.	Not required.
Maryland ▶ More info (/information/maryland-fictitious-name-registration-renewal)	Trade Name	\$25 plus a \$3 credit card fee if applying online.	\$25 plus a \$3 credit card fee if renewing online.
Massachusetts ▶ More info (/information/massachusetts-fictitious-name-registration-renewal)	Assumed Name	Assumed names are only filed at the city or town level in Massachusetts.	
Michigan ▶ More info (/information/michigan-fictitious-name-registration-renewal)	Assumed Name	\$10 for corporations or limited partnerships and \$25 for limited liability companies.	\$10 for corporations or limited partnerships and \$25 for limited liability companies.
Minnesota ▶ More info (/information/minnesota-fictitious-name-registration-renewal)	Assumed Name	\$30 for mailed filing or \$50 for online or expedited filings.	
Mississippi ▶ More info (/information/mississippi-fictitious-name-registration-renewal)	Fictitious Name or Trade Name	\$25	\$25
Missouri ▶ More info (/information/missouri-fictitious-name-registration-renewal)	Fictitious Name	\$7	\$7

Montana ▶ More info (/information/montana-fictitious-name-registration-renewal)	Assumed Name	\$20	\$20
Nebraska ▶ More info (/information/nebraska-fictitious-name-registration-renewal)	Trade Name	\$100	\$100
Nevada ▶ More info (/information/nevada-fictitious-name-registration-renewal)	Fictitious Name or DBA	Fictitious names are only filed at the county level in Nevada.	
New Hampshire ▶ More info (/information/new-hampshire-fictitious-name-registration-renewal)	Trade Name	\$50	\$50
New Jersey ▶ More info (/information/new-jersey-fictitious-name-registration-renewal)	Alternate Name	\$50	\$25 for business corporations or \$50 for all other entities.
New Mexico ▶ More info (/information/new-mexico-fictitious-name-registration-renewal)		Not required at the state level. ▪ New Mexico does not currently have fictitious name registration requirements at the state or local level.	Not required.
New York ▶ More info (/information/new-york-fictitious-name-registration-renewal)	Assumed Name	\$25 for LLCs and limited partnerships. Corporation fees are \$25 + \$100 for each county within New York City and \$25 for each county outside of New York City.	Not required.
North Carolina ▶ More info (/information/north-carolina-fictitious-name-registration-renewal)	Assumed Name	Assumed names are only filed at the county level in North Carolina.	Not required.
North Dakota ▶ More info (/information/north-dakota-fictitious-name-registration-renewal)	Trade Name	\$25	\$25
Ohio ▶ More info (/information/ohio-fictitious-name-registration-renewal)	Trade Name or Fictitious Name	\$39	\$25
Oklahoma ▶ More info (/information/oklahoma-fictitious-name-registration-renewal)	Trade Name	\$25	Not required.
Oregon ▶ More info (/information/oregon-fictitious-name-registration-renewal)	Assumed Name	\$50	\$50
Pennsylvania ▶ More info (/information/pennsylvania-fictitious-name-registration-renewal)	Fictitious Name	\$70	Not required.
Rhode Island ▶ More info (/information/rhode-island-fictitious-name-registration-renewal)	Fictitious Name or Assumed Name	\$20 for nonprofits and \$50 for business corporations, LLCs, and limited partnerships.	Not required.
South Carolina ▶ More info (/information/south-carolina-fictitious-name-registration-renewal)	Assumed Name	\$10	\$10
South Dakota ▶ More info (/information/south-dakota-fictitious-name-registration-renewal)	Fictitious Name or DBA	\$10	\$10
Tennessee ▶ More info (/information/tennessee-fictitious-name-registration-renewal)	Assumed Name	\$20	\$20

Texas ► More info (/information/texas-fictitious-name-registration-renewal)	Assumed Name	\$25	\$25
Utah ► More info (/information/utah-fictitious-name-registration-renewal)	DBA	\$22	\$10 for nonprofits; \$22 for LLPs and partnerships; and \$15 for business corporations, LLCs, limited partnerships, and LLLPs.
Vermont ► More info (/information/vermont-fictitious-name-registration-renewal)	Trade Name or DBA	\$50	\$40
Virginia ► More info (/information/virginia-fictitious-name-registration-renewal)	Fictitious Name or Assumed Name	\$10	Not required.
Washington ► More info (/information/washington-fictitious-name-registration-renewal)	Trade Name or DBA	\$24	Not required.
West Virginia ► More info (/information/west-virginia-fictitious-name-registration-renewal)	Trade Name	\$25	Not required.
Wisconsin ► More info (/information/wisconsin-fictitious-name-registration-renewal)	Trade Name	\$15	\$15
Wyoming ► More info (/information/wyoming-fictitious-name-registration-renewal)	Trade Name	\$100	\$50

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(<http://www.bbb.org/washington-dc-eastern-pa/business-reviews/business->

<https://www.harborcompliance.com/information/doing-business-under-a-fictitious-name>

5/14/2018

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EXHIBIT G

➔ Maryland Business Express

⚠ Notice



On Tuesday, May 15th, between 5:00pm to 5:30pm EST, we will be making enhancements to serve you better. During this time the service will not be available, but we look forward to continuing to provide you with time-saving and streamlined services when you return.

Maryland Business Express provides you with all the resources you need to start a business in Maryland. Select from the following:

» Business Entity Search

Search for businesses

» Certificate of Status

Order Certificate(s) of Status

» Order Documents

Order business documents

» Register Your Business

Form the legal entity for your business with the Maryland Department of Assessments and Taxation

▶ What types of business filings can I create?

» Manage Your Business

Manage filings, annual reports, personal property returns and other documents for all your businesses

★ **NEW:** Submit Resolution to Change Principal Office/Resident Agent Online

» Register A Trade Name

Register a business 'Trading As' name with the Maryland Department of Assessments and Taxation

▼ Do I need to register a Trade Name?

- A Trade Name is a "doing business as" name, which may be different from the legal name of the business as registered with the State of Maryland. Registering a Trade Name is not mandatory, but is recommended if you are a Sole Proprietor or Partnership using a name other than the full legal name of the owner or owners, or a Corporation, Limited Partnership, or Limited Liability Company operating under a name other than the name registered with the State of Maryland.
- Please note that a Trade Name is not the same as a Trademark. For more information on how to register a Trademark in Maryland, refer to the Trademarks and Servicemarks FAQ.
- If you can answer **YES** to **ANY** of the following questions, then you may proceed to apply for a Trade Name.
 1. Is the Trade Name needed for a specific license?
 2. Will the Trade Name serve as a "doing business as" name under the legal entity name?
 3. Will your trade name be different from your legal entity name?

» File Annual Report and Personal Property Tax Returns

Submit annual filings for any eligible business, even those not registered through Maryland Business Express

- ▶ Do I need to file an Annual Report?
- ▶ Do I need to file a Personal Property Tax Return?
- ▶ Can I file my Annual Report/Personal Property Tax Return online?

» Establish Tax Accounts

Establish your necessary tax accounts with the Comptroller of Maryland

Note: All filings through this portal (with the exception of Annual Report and Personal Property Tax Returns) will be processed with the Department of Assessments and Taxation within 7 business days. Maryland Department of Assessments & Taxation expedited fee schedule will apply.

Service Fee

This electronic government service includes a \$3 eCheck fee or 3% service/convenience fee for filings with payment processed through Maryland Business Express. This fee is assessed by NICUSA, Inc., Maryland's eGovernment service provider, a third party working under a contract administered by the Maryland Department of Information Technology (DoIT). The service fee is used to develop, maintain, and expand the online service offerings of the state and is non-refundable. Accepted payment methods: credit card, PayPal or eCheck (soon to be discontinued). Accepted credit cards: Visa, MasterCard, Discover and American Express. Customers not wishing to pay the service fee may file by paper with the Department of Assessments of Taxation.

 [Account Log In](#)**Username:****Password:**

[Log In](#) » or [Register](#) » » [Forgot Username?](#)
» [Forgot Password?](#)

 [Demo](#)[» View Demo](#) [Fees](#)

Businesses, Trade Names, Annual Reports and documents registered, filed or ordered through Maryland Business Express may incur the following fees.

Expedited Fees (*where applicable*): \$20.00 for Documents/Certificates of Status, \$50.00 for Charter Filings. Allow up to 7 business days for processing.

Service Fees (*where applicable*): 3% (credit card, PayPal), \$3.00 (eCheck).

There are no fees for the establishment of tax accounts or the registration of Sole Proprietorships or General Partnerships.

[» View Full Fee Schedule](#)

Maryland Department of Assessments & Taxation Fee Schedule

 [Maryland Department of Assessments and Taxation Resources](#)

Maryland Department of Assessments & Taxation

Maryland Checklist for New Businesses

UCC Electronic Filing, Search & Retrieval

Verify Certificate(s) of Status

Verify Authentication of Certified Copies

 Comptroller of Maryland Resources

Comptroller of Maryland

Business Licensing and Tax Questions

IRS FEIN Information

 Other Business Links & Resources

Maryland Department of Commerce

Start a Business in Maryland

Maryland Business Licenses Online

Maryland Small Business & Technology Development Center

U.S. Small Business Administration

Help for Small Businesses (SCORE)

Trademarks and Servicemarks FAQ

Governor's Office of Small, Minority & Women Business Affairs

Checklist for Starting a Nonprofit Organization

 Support

[Privacy and Security Policy](#) | [Accessibility Policy](#)

FOR FILING AND BUSINESS RELATED QUESTIONS

Maryland Department of Assessments & Taxation

410-767-1184 | Outside the Baltimore Metro Area: 888-248-5941

Maryland Relay: 800-735-2258

FOR TECHNICAL QUESTIONS AND SUPPORT

NIC Maryland, eGov Services Partner of the Department of Information Technology (DoIT) and Maryland.gov

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serves as Maryland's unique identifier for your business. Importantly, this is not the FEIN number issued by the IRS and required by financial institutions to open an account.

Important Notes

Keeping Your Identification Numbers Straight

Please be aware that once a state, federal, or local agency approves your registration, they may give you identification numbers that look similar, but are actually unique. For example, all legal entities are required to have a Department Identification Number from the Maryland Department of Assessments & Taxation. However, many businesses also need a Federal Employer Identification Number (FEIN) from the IRS, and a Central Registration Number from Maryland's Office of the Comptroller. It's very important you recognize that these are different, unique identifiers. This is one of the most common oversights by business owners and taking notice now will save you from many headaches in the future!

Multiple Registrations

Depending on the type of business you select, you may need to register with multiple state, federal, and local agencies.

Sole proprietorships and general partnerships

Sole proprietorships and general partnerships are not technically legal entities, and are therefore not required to register with the state or submit annual filings. However, you will need an SDAT Identification Number if you wish to open a business account, which can be obtained using the above portal.

I Cannot or Do Not Want to File Online

Maryland Business Express' [online filing portal](#) is the easiest and quickest way to file these documents. However, you may also file them with the Maryland Department of Assessments & Taxation either in-person or by mail. Download the filings from [SDAT's Forms and Applications Page](#), or contact sdattcharterhelp@maryland.gov or 410-767-1350 for more information.

What's next?

EXHIBIT H

Donovan Blount

From: Charles A. Asubonten [REDACTED]
Sent: Sunday, May 13, 2018 9:32 AM
To: Herbert Hayden; John Harris
Subject: Fw: [U.S.-Africa Business Summit 2017] Nana Tutu Kwachie, Mr (Unisecurities Ghana Limited): Debt/project financing opportunities in Ghana (Meeting Invitation)

----- Forwarded Message -----

From: 2017 U.S.-Africa Business Summit [REDACTED]
To: [REDACTED]
Sent: Thursday, June 15, 2017 4:15 PM
Subject: [U.S.-Africa Business Summit 2017] Nana Tutu Kwachie, Mr (Unisecurities Ghana Limited): Debt/project financing opportunities in Ghana (Meeting Invitation)



Nana Tutu Kwachie, Mr (Unisecurities Ghana Limited) has requested a meeting at U.S.-Africa Business Summit 2017:

Time: Friday, Jun 16, 2017, 03:30 PM – 4:00 PM EDT

Subject: Debt/project financing opportunities in Ghana

Location: Omni Shoreham Hotel – Lobby

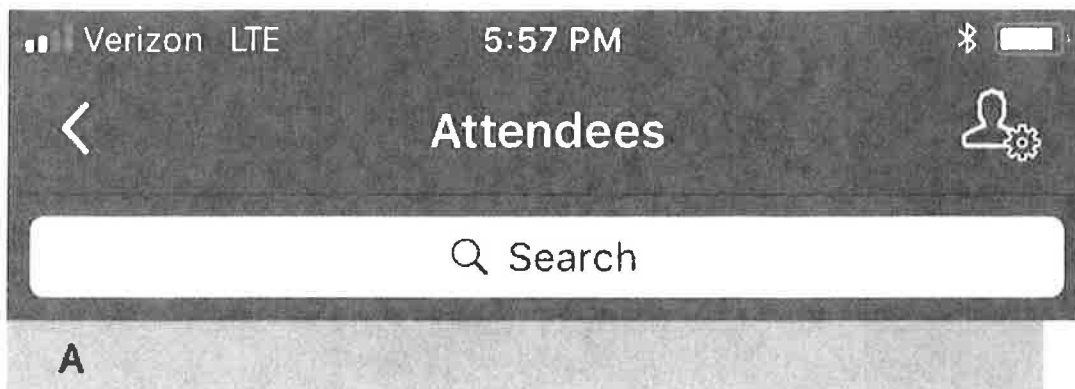
Nana Tutu Kwachie, Mr (Unisecurities Ghana Limited)

Participants: (organizer), Charles Asubonten, CPA, CFA (Transmax/Rsa Capital)

Description:

ACCEPT, DECLINE OR REVIEW

Important: Do not forward this email. It contains a personalized link. Anyone with that link will have access to your account.



Arbucci, Richard

Director
Balyasny Asset Management

Arias, Jr., Victor

Senior Client Partner, CEO/Board Services...
Korn Ferry

Ashley, Mary Anne

Chief Legislative Affairs Division
CalPERS

Aspenleider, Kim

VP, Institutional Client Svcs
Delaware Investments/Macquarie Investm...

Asubonten, Charles

Managing Director
Transmax/RSA Capital

Ayoroa, Gabe

Sr. Analyst
Pension Consulting Alliance

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Baadesen, Eric



Charles Asubonten



Charles Asubonten

Managing Director
Transmax/RSA Capital



Note

Contact Info

Address

[Redacted Address]

Work

[Redacted Work Phone Number]



Email

June 06, 2018

Re: **Charles Asubonten**

SPB Case No. **18-0830**

Appeal from Rejection During Probation filed on **05/31/18**

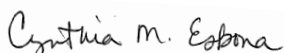
The State Personnel Board (SPB) Appeals Division has received and accepted an appeal in the above-referenced matter. Accordingly, this matter has been set for a Prehearing and Settlement Conference (PHSC).

The parties and their representatives are expected to be familiar with SPB Appeals Procedural Regulations. Failure to comply with these regulations may result in adverse rulings, including possible evidentiary sanctions. A copy of the Evidentiary Appeals Hearing Procedures pamphlet is included with this material for unrepresented Appellants. The pamphlet makes reference to various sections of the procedural regulations.

The SPB provides electronic access for the procedural regulations, various forms, frequently asked questions, and the Evidentiary Appeals Calendar under the Appeals tab on the SPB website located at www.spb.ca.gov. There you can find forms such as Contact Update Form (SPB-102); Subpoena Form (SPB-76); and Request and Motion Form for Self-represented Appellants (SPB-103). Persons without computer access may request hard copies of the SPB forms by contacting the Appeals Division at (916) 653-0799.

To assist in the SPB's effort in maintaining a paperless filing system, completed forms should be e-filed at appeals@spb.ca.gov.

Sincerely,



Cynthia Esbona
Appeals Division

STATE PERSONNEL BOARD NOTICE OF PREHEARING AND SETTLEMENT CONFERENCE

Charles Asubonten SPB Case No. 18-0830	DATE:	TIME:
	07/26/18	08:30 AM
	LOCATION:	
	State Personnel Board - 801 Capitol Mall, Room 108 Sacramento, CA 95814	

Please take notice that the above-referenced matter has been set for a PHSC before an SPB Administrative Law Judge (ALJ). Each party to these proceedings is entitled, but not required, to be represented by counsel at his/her own expense. If the parties are unable to settle, the matter will be scheduled for an investigatory hearing at which time, each party will be given the opportunity to examine/cross-examine witnesses and present any relevant evidence.

If either party has a calendaring conflict with the PHSC hearing date, a Request to Reschedule Prehearing Settlement Conference or Investigatory Hearing Due To Calendar Conflict form (SPB-201) may be filed in lieu of a formal motion to continue hearing. Continuances and other motions should be filed with SPB electronically at appeals@spb.ca.gov. Continuances granted by the Presiding ALJ shall be considered a waiver of timeframes set forth in Government Code section 18671.1.

Pursuant to California Code of Regulations, title 2, section 57.1, each party shall serve a written Prehearing and Settlement Conference Statement (Conference Statement) on all other parties 12 calendar days prior to the scheduled PHSC. Further, all parties shall file the written Conference Statement, along with a proof of service with the Evidentiary Appeals Division no less than 12 calendar days prior to the scheduled PHSC.

The SPB provides electronic access for the procedural regulations, various forms, frequently asked questions, plus the Evidentiary Appeals Calendar under the Appeals tab on the SPB website located at www.spb.ca.gov. Subpoenas may be issued as provided for by law. Parties without computer access may request forms by contacting the Appeals Division at (916) 653-0799.

• This facility is accessible to persons with disabilities •
• If you need a sign language interpreter, please contact TDD (916) 654-2360 •

Charles Asubonten
[REDACTED]
[REDACTED]

PROOF OF SERVICE BY FIRST-CLASS MAIL

I am over the age of 18 years and not a party to this action. I declare that I am employed by the California State Personnel Board, 801 Capitol Mall, Sacramento, California 95814.

On June 06, 2018, I caused the following document(s) to be served on the addressee:

ACKNOWLEDGEMENT LETTER NOTICE OF PREHEARING AND SETTLEMENT CONFERENCE

I served the above document(s) by enclosing them in an envelope and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the State Personnel Board's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business, in the United States Postal Service in a sealed envelope with postage fully prepaid.

Appellant:

Charles Asubonten
[REDACTED]
[REDACTED]

Respondent:

CalPERS
Attn: Human Resources
400 Q Street
Sacramento, CA 95814

Appellant's Representative:

Harris & Associates
Attn: Herbert Hayden
865 S. Figueroa St., Suite 2750
Los Angeles, CA 90017

Respondent's Representative:

CalPERS - Legal
P.O. Box 942718
Sacramento, CA 94229-2718

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 06, 2018, at Sacramento, California.

Cynthia M. Esbona

Cynthia Esbona
Appeals Division

Harris & Associates
Attn: Herbert Hayden
865 S. Figueroa St., Suite 2750
Los Angeles, CA 90017

PROOF OF SERVICE BY FIRST-CLASS MAIL

I am over the age of 18 years and not a party to this action. I declare that I am employed by the California State Personnel Board, 801 Capitol Mall, Sacramento, California 95814.

On June 06, 2018, I caused the following document(s) to be served on the addressee:

ACKNOWLEDGEMENT LETTER NOTICE OF PREHEARING AND SETTLEMENT CONFERENCE

I served the above document(s) by enclosing them in an envelope and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the State Personnel Board's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business, in the United States Postal Service in a sealed envelope with postage fully prepaid.

Appellant:

Charles Asubonten
[REDACTED]
[REDACTED]

Respondent:

CalPERS
Attn: Human Resources
400 Q Street
Sacramento, CA 95814

Appellant's Representative:

Harris & Associates
Attn: Herbert Hayden
865 S. Figueroa St., Suite 2750
Los Angeles, CA 90017

Respondent's Representative:

CalPERS - Legal
P.O. Box 942718
Sacramento, CA 94229-2718

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 06, 2018, at Sacramento, California.

Cynthia M. Esbona
Cynthia Esbona
Appeals Division

CalPERS
Attn: Human Resources
400 Q Street
Sacramento, CA 95814

PROOF OF SERVICE BY FIRST-CLASS MAIL

I am over the age of 18 years and not a party to this action. I declare that I am employed by the California State Personnel Board, 801 Capitol Mall, Sacramento, California 95814.

On June 06, 2018, I caused the following document(s) to be served on the addressee:

**ACKNOWLEDGEMENT LETTER
NOTICE OF PREHEARING AND SETTLEMENT CONFERENCE
COPY OF APPEAL**

I served the above document(s) by enclosing them in an envelope and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the State Personnel Board's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business, in the United States Postal Service in a sealed envelope with postage fully prepaid.

Appellant:

Charles Asubonten
[REDACTED]
[REDACTED]

Respondent:

CalPERS
Attn: Human Resources
400 Q Street
Sacramento, CA 95814

Appellant's Representative:

Harris & Associates
Attn: Herbert Hayden
865 S. Figueroa St., Suite 2750
Los Angeles, CA 90017

Respondent's Representative:

CalPERS - Legal
P.O. Box 942718
Sacramento, CA 94229-2718

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 06, 2018, at Sacramento, California.

Cynthia M. Esbona

Cynthia Esbona
Appeals Division

CalPERS - Legal
P.O. Box 942718
Sacramento, CA 94229-2718

PROOF OF SERVICE BY FIRST-CLASS MAIL

I am over the age of 18 years and not a party to this action. I declare that I am employed by the California State Personnel Board, 801 Capitol Mall, Sacramento, California 95814.

On June 06, 2018, I caused the following document(s) to be served on the addressee:

ACKNOWLEDGEMENT LETTER NOTICE OF PREHEARING AND SETTLEMENT CONFERENCE COPY OF APPEAL

I served the above document(s) by enclosing them in an envelope and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the State Personnel Board's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business, in the United States Postal Service in a sealed envelope with postage fully prepaid.

Appellant:

Charles Asubonten
[REDACTED]
[REDACTED]

Respondent:

CalPERS
Attn: Human Resources
400 Q Street
Sacramento, CA 95814

Appellant's Representative:

Harris & Associates
Attn: Herbert Hayden
865 S. Figueroa St., Suite 2750
Los Angeles, CA 90017

Respondent's Representative:

CalPERS - Legal
P.O. Box 942718
Sacramento, CA 94229-2718

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 06, 2018, at Sacramento, California.

Cynthia M. Esbona

Cynthia Esbona
Appeals Division

801 Capitol Mall Sacramento, CA 95814 | www.spb.ca.gov

Governor Edmund G. Brown Jr.

CONTACT UPDATE FORM

¹ Appellant Name: Charles Asubonten	¹ SPB Case No: 18-0830	¹ Date: 6/14/18
--	---	--------------------------------------

¹ Type of update: <input checked="" type="checkbox"/> Contact Information Change <input type="checkbox"/> Remove Contact — No Longer Affiliated	
¹ Contact Type(s): <input type="checkbox"/> Appellant <input type="checkbox"/> Appellant Representative <input checked="" type="checkbox"/> Respondent Representative <input type="checkbox"/> Other	If Other Please Specify:

¹ Contact Name: (First, Last, Middle Initial) David W. Tyra and Susana P. Solano		Title:
Department/Organization: Kronick, Moskovitz, Tiedemann & Girard	Email Address: dtyra@kmtg.com; ssolano@kmtg.com	
¹ Primary Phone Number: 916-321-4500	Secondary Phone Number:	Fax Number: 916-321-4555

¹ Street Address: (line one) 400 Capitol Mall, 27th Floor		
Street Address: (line two)		
¹ City: Sacramento	¹ State: CA	¹ Zip Code: 95814

¹ Denotes required field

Please submit this completed form via email to appeals@spb.ca.gov. This form may also be submitted via regular mail to State Personnel Board, Appeals Division, 801 Capitol Mall, Sacramento, CA 95814 or by fax to (916) 654-6055.

By signing and dating below, I certify that the information on this form is correct

Signature: /s/ David W. Tyra; /s/ Susana P. Solano**Date:** 6/14/18*Electronic signature accepted pursuant to Cal. Code of Regs., tit. 2, § 52.1 (c)*

Pursuant to Cal. Code of Regs., tit. 2, § 52.2, parties are responsible for informing the SPB of a change in address no later than one week after the change.

SPB-102 [rev. August 2014]

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PROOF OF SERVICE

Charles Asubonten
SPB Case No. 18-0830

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is 400 Capitol Mall, 27th Floor, Sacramento, CA 95814.

On June 14, 2018, I served true copies of the following document(s) described as **CONTACT UPDATE FORM** on the interested parties in this action as follows:


Appellant's Representative

Harris & Associates
Attention: Herbert Hayden
865 S. Figueroa Street, Suite 2750
Los Angeles, CA 90017

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Kronick, Moskovitz, Tiedemann & Girard for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Sacramento, California.

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

Executed on June 14, 2018, at Sacramento, California.



May Marlowe

END OF VOLUME