



NOTICE AND AGENDA Commission Meeting¹

California Fair Political Practices Commission
1102 Q Street, Suite 3800
Sacramento, CA 95811

Thursday, July 19, 2018
10:00 A.M.

Under Government Code section 11123(a), all meetings of a state body are open and public, and all persons are permitted to attend any meeting of a state body, except as otherwise provided in that article. The section further states that the portion of the teleconferenced meeting that is required to be open to the public must be audible to the public at the location specified in the notice of the meeting. The Commission may take action on any item listed on this agenda.

Welcome

Alice Germond, Chair

Public Comment

- 1. Public Comment for Items not on Agenda.** During this comment period, any person is invited to speak on any topic that is not listed on this agenda. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on a future agenda. Those who wish to comment on an item that has been listed on this agenda may comment when that item has been opened for consideration by the Commission and before any action is taken.

¹You can obtain further information about the meeting by contacting the Commission Assistant, 1102 Q Street, Suite 3000, Sacramento, CA, 95811, Tel. (916) 322-5745. Written comments on agenda items should be submitted to the Commission no later than 12:00 p.m. the day before the meeting in order to afford the Commissioners adequate time to fully consider the comments. Email comment letters directly to CommAsst@fppc.ca.gov.

The agenda and related documents are posted on the FPPC website at www.fppc.ca.gov. Materials submitted by the public regarding each agenda item will be made available on the website.

Members of the public may listen to the meeting by phone by calling (877) 411-9748; access code 723284; or watch the meeting via Webinar at [YouTube](https://www.youtube.com/watch?v=...).

The meeting location is accessible to the disabled. Persons who, due to a disability, need assistance in order to participate in this meeting should, prior to the meeting, contact the Commission Assistant at (916) 322-5745 (voice), CommAsst@fppc.ca.gov (e-mail) and ADACoordinator@fppc.ca.gov. TTY/TDD and Speech-to-Speech users may dial 7-1-1 for the California Relay Service to submit comments on an agenda item or to request special accommodations for persons with disabilities. Please allow three business days between the request and the meeting date.

Approval of Commission Minutes

2. Approval of June 2018 Commission Hearing Minutes.

Enforcement Consent Calendar 3-15

Items on the consent calendar will be taken up and voted on as a group. A Commissioner may request that an item be removed from consent, in which case it will be discussed separately in the meeting.

Revolving Door - One-Year Ban

- 3. In the Matter of Christopher Lewis; FPPC No. 16/074.** Staff: Senior Commission Counsel Neal Bucknell and Special Investigator Jeffrey Kamigaki. This case arose from an audit performed by the California State Auditor. Christopher Lewis separated from employment with the Department of Health Care Services, Substance Use Disorder Compliance Division in 2014 after serving as the Chief of the Licensing and Certification Section for almost four years. Michelle J. Berner of Kroesche Schindler LLP represented Lewis in this matter. In the year that followed, Lewis began representing members of the regulated community with respect to his former employer's licensing and certification process. During this time, he frequently contacted DHCS for the purpose of attempting to influence or expedite decisions on behalf of his paying clients, in violation of Government Code Section 87406, subdivision (d)(1) (3 counts). **Total Proposed Penalty: \$12,000.**

Mass Mailings

- 4. In the Matter of Al Bairos and Committee to Re-elect Al D. Bairos OID Director District #4 2015; FPPC No. 15/1876.** Staff: Assistant Chief Dave Bainbridge, Special Investigator Garrett Micheels, and Associate Governmental Program Analyst Dominika Wojenska. Al Bairos was an unsuccessful candidate for re-election to the Oakdale Irrigation District in the November 3, 2015 General Election. Re-elect Al D. Bairos OID Director District #4 2015 was his candidate-controlled committee. The Committee and Bairos failed to disclose contributions and expenditures, in violation of Government Code Section 84211 (1 count); failed to file one semiannual campaign statement, in violation of Government Code Section 84200 (1 count); and failed to include a proper disclaimer on a mass mailing, in violation of Government Code Section 84305, subdivision (a) and Regulation 18435, subdivision (d) (1 count). **Total Proposed Penalty: \$4,000.**

Campaign Non-Filer

- 5. In the Matter of Williams for AC Transit Board 2014 and Mark Williams; FPPC No. 16/205. (Streamline Settlement)** Staff: Commission Counsel Ruth Yang, Associate Governmental Program Analyst Dominika Wojenska, and Special Investigator Garrett Micheels. Mark Williams was a successful candidate in the November 4, 2014 General Election for the Alameda-Contra Costa Transit District Board of Directors. Williams for

AC Transit Board 2014 is his candidate-controlled committee. The Committee and Williams failed to timely file five semiannual campaign statements for the reporting periods of July 1, 2013 through June 30, 2014 and October 19, 2014 through December 31, 2015, in violation of Government Code Section 84200 (5 counts), and two pre-election campaign statements for the reporting periods of July 1, 2014 through October 18, 2014, in violation of Government Code Section 84200.5 (2 counts). **Total Proposed Penalty: \$7,135.**

6. **In the Matter of Ray Marquez for Assembly 2016, Ray Marquez, and Glenn Duncan; FPPC No. 17/729 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. Ray Marquez was an unsuccessful candidate for California State Assembly in the June 7, 2016 Primary Election. Ray Marquez for Assembly 2016 was his candidate-controlled committee. Glenn Duncan was the Committee's treasurer. The Committee, Marquez, and Duncan failed to timely file four 24-Hour Reports, in violation of Government Code Section 84203 (4 counts). **Total Proposed Penalty: \$857.**
7. **In the Matter of Austin for Judge 2018 and Brian Austin; FPPC No. 18/00417 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chris Holm. Brian Austin was a successful candidate for Superior Court Judge of Madera County in the June 5, 2018 Primary Election. Austin for Judge 2018 is his candidate-controlled committee. The Committee and Austin failed to timely file one pre-election campaign statement for the reporting period of April 22, 2018 through May 19, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$217.**
8. **In the Matter of Alan Rodier for Supervisor 5th District in Mendocino County; FPPC No. 18/387 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chris Holm. Alan Rodier was an unsuccessful candidate for Supervisor 5th District of Mendocino County in the June 5, 2018 Primary Election. Alan Rodier for Supervisor 5th District in Mendocino County is his candidate-controlled committee. The Committee and Rodier failed to timely file one pre-election campaign statement for the reporting period of April 22, 2018 through May 19, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$205.**
9. **In the Matter of Elect Bryan Barrett Mendocino County Superintendent of Schools 2018; FPPC No. 18/423 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chris Holm. Bryan Barrett was an unsuccessful candidate for Superintendent of Schools of Mendocino County in the June 5, 2018 Primary Election. Elect Bryan Barrett Mendocino County Superintendent of Schools 2018 is his candidate-controlled committee. The Committee and Barrett failed to timely file one pre-election campaign statement for the reporting period of January 1, 2018 through April 21, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$246.**

10. **In the Matter of Committee to Re-Elect Todd Finnell for Superintendent of Schools 2018; FPPC No. 18/426 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chris Holm. Todd Finnell was an unsuccessful candidate for Superintendent of Schools of Imperial County in the June 5, 2018 Primary Election. Committee to Re-Elect Todd Finnell for Superintendent of Schools 2018 is his candidate-controlled committee. Finnell and the Committee failed to timely file one pre-election campaign statement for the reporting period of January 1, 2018 through April 21, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$224.**
11. **In the Matter of Committee to Elect Larry T. Burrus City Council 2018; Larry Burrus; FPPC No. 18/364 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Larry Burrus was an unsuccessful candidate for Fresno City Council in the June 5, 2018 Primary Election. Committee to Elect Larry T. Burrus City Council 2018 was his candidate-controlled committee. The Committee and Burrus failed to timely file one pre-election campaign statement covering the reporting period of January 1, 2018 through April 21, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$281.**

Statement of Economic Interests Non-Filer

12. **In the Matter of John Anagnos, FPPC No. 17/847.** Staff: Commission Counsel Theresa Gilbertson. John Anagnos, an Alternate Commissioner for the Lodi Winegrape Commission, failed to timely file a 2016 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$2,000.**
13. **In the Matter of Louis Gonda; FPPC No. 18/456 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Louis Gonda, a Director of the Hidden Valley Municipal Water District, failed to timely file a 2017 Annual Statement of Economic Interests with the County of Ventura, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
14. **In the Matter of Matthew Peterson; FPPC No. 18/324 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Matthew Peterson, a Commissioner of the Belmont Shore Parking & Business Improvement Area Advisory Commission, failed to timely file a 2017 Annual Statement of Economic Interests with the City of Long Beach, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
15. **In the Matter of Michael Kozlowski; FPPC No. 18/432 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Michael Kozlowski, a Utility Commission Member of the City of Folsom, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

Default Proceedings

Notice of Intent to Present Default Decision and Order at Next Commission Meeting

- 16. In the Matter of Sallings for Santa Clara School Board 2014 and Noelani Sallings; FPPC No. 16/009.** Staff: Commission Counsel Ruth Yang, Associate Governmental Program Analyst Dominika Wojenska, and Law Clerk Savannah Weil-Dye. Noelani Sallings, aka Noelani Hunt, was a successful candidate for the Santa Clara Unified School District Board of Trustees in the November 4, 2014 General Election. Sallings for Santa Clara School Board 2014 is her candidate-controlled committee. Sallings currently serves as a Governing Board Member and has previously served as a member for the Santa Clara Unified School District’s Measure J Oversight Committee from 2009 through 2014. The Committee and Sallings failed to timely file four semiannual campaign statements for the reporting period of July 1, 2015 through June 30, 2017, in violation of Government Code Section 84200 (4 counts) and four Annual Statements of Economic Interests for the years of 2012 through 2015, in violation of Government Code Section 87300 (4 counts). **Total Proposed Penalty: \$22,000.**
- 17. In the Matter of Friends of Chris Stampolis, Friends of Chris Stampolis for Santa Clara School Board 2012, and Chris Stampolis; FPPC No. 15/1045.** Staff: Commission Counsel Ruth Yang and Associate Governmental Program Analyst Dominika Wojenska. Chris Stampolis was a successful candidate in the November 6, 2012 General Election and an unsuccessful candidate in the November 8, 2016 General Election for the Santa Clara Unified School District Board of Trustees. Friends of Chris Stampolis (“Friends Committee”) and Friends of Chris Stampolis for Santa Clara School Board 2012 (“2012 Committee”) are his candidate-controlled committees. The Friends Committee and Stampolis failed to timely file two pre-election campaign statements for the reporting period of July 1, 2016 through October 22, 2016, in violation of Government Code Sections 84200.5 (2 counts) and one semiannual campaign statement for the reporting period of October 23, 2016 through December 31, 2016, in violation of Government Code Section 84200 (1 count). The 2012 Committee and Stampolis failed to timely file two pre-election campaign statements for the reporting period of July 1, 2016 through October 22, 2016, in violation of Government Code Sections 84200.5 (2 counts) and one semiannual campaign statement for the reporting period of October 23, 2016 through December 31, 2016, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$21,000.**

General Items 18-30

18. The Bagley-Keene Open Meeting Act, Proposed Questions for Attorney General Opinion. Staff: John Feser, Senior Counsel, Legal Division. At the October 2017 Commission meeting, Deputies Attorney General Ted Prim and Julia Zuffelato presented an overview of the Bagley-Keene Open Meeting Act. At the January 2018 meeting, the Commission discussed the feasibility of soliciting an Attorney General's opinion to clarify some of the advice provided at the presentation. In accordance with the Commission's instructions at the January 2018 meeting, staff worked with interested Commissioners to prepare proposed questions for discussion at the February 2018 meeting. The Commission agreed on eighteen proposed questions and directed the Legal Division to prepare a legal analysis in accordance with requirements for requesting an AG Opinion. At the June 2018 meeting, the Commission agreed on three questions and directed staff to modify its legal analysis accordingly. The Commission will further discuss appropriate questions for an AG Opinion in light of the Legal Division's legal analysis and determine whether to submit them in a formal request for an AG Opinion pursuant to Government Code section 12519.

Staff Memo

19. Review of Andrews Advice Letter, No. A-18-035, Disclose Act Requirements for Contributions from a 501(c)(3) Nonprofit Organization. Staff: Brian Lau, Acting General Counsel, and Sukhi Brar, Senior Commission Counsel. The Commission will review the Andrews Advice Letter, No. A-18-035, and may act to withdraw the advice provided and direct staff to take future action.

Staff Memo

20. Review of Alvarez Advice Letter, No. I-18-080, Combined Disclosure Statement. Staff: Brian Lau, Acting General Counsel, and Zak Norton, Senior Commission Counsel. The Commission will review the Alvarez Advice Letter, No. I-18-080, and may act to withdraw the advice provided and direct staff to take future action.

Staff Memo

21. FPPC Budget. The Commission will discuss and consider whether to approve the proposed process on how staff will continue to keep the Commission apprised of developments related to the Commission's budget and staff's proposed budget allocations for Fiscal Year 2018-2019.

Staff Memo

22. Consideration of Delegation in Commissioner Compensation and Reimbursement Policy and Approval of Compensation and Travel Forms. Staff: Erin Peth, Executive Director and Loressa Hon, Chief of Administration. In June, the Commission updated the

previously-adopted Compensation and Reimbursement Policy for members of the Commission and approved staff's interpretation of the policy. The Commission will discuss and consider whether to delegate authorization of "additional activities" (such as a speech, public appearance or similar activity) to the Chair and/or the Executive Director. The Commission will also discuss and consider whether to approve the proposed compensation and travel forms for the Commissioners.

Staff Memo
Compensation Form
Travel Form

- 23. Approval of Commissioner Compensation Request.** Staff: Loressa Hon, Chief of Administration. Consideration of Commissioner's requests for compensation exceeding 40 hours in a calendar month as required by the Commission's Compensation and Reimbursement Policy.

Staff Memo

- 24. Committee Updates**

Law and Policy Committee Update
Budget and Personnel Committee Update

- 25. Legislative Update.** Legislative and External Affairs. Phillip Ung, Director.

Staff Memo

- 26. Advice Letter Report and Commission Review.** Staff: Brian Lau, Acting General Counsel. The Commission may review and discuss advice letters that have been issued since the June Executive Staff Report. The Commission may act to withdraw the advice provided.

Advice Letter Report

- 27. Executive Staff Reports.**

Enforcement Division. Galena West, Enforcement Chief
Legal Division. Brian Lau, Acting General Counsel
External Affairs and Education. Deborah Hanephin, Manager
Executive Director Update. Erin Peth, Executive Director

- 28. Commissioner Comments and Proposed Future Agenda Items.**

Note: While a Commissioner may identify a topic of interest, the Commission may not substantially discuss or take action on any matter raised during the meeting that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code Sections 11125 & 11125.7(a).)

Closed Session.

- 29. Closed Session. Pending Litigation (Gov. Code § 11126(e)(1)).** Request for Authority to File a Civil Complaint: *In the Matter of Alfonso Sanchez and Alfonso Sanchez for School Board 2016*; FPPC No. 16/20105.

(Executive Director Memo released pursuant to Government Code Section 11125.1. However, under Government Code Section 11126(e)(1), request will be considered in closed session in consultation with the Commission's counsel.)

Executive Director Memo

- 30. Closed Session. Pending Litigation (Gov. Code § 11126(e)(1)).** *Burgess v. Fair Political Practices Commission*, Riverside Superior Court Case No: RIC-1510656; discussion of pending litigation regarding attorney's fees.