



NOTICE AND AGENDA Commission Meeting¹

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

Thursday, March 22, 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.

Please note that there will be an hour lunch break at approximately 12:30 p.m.

Welcome

Jodi Remke, FPPC 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

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 at the meeting and 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](#).

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.

agenda may comment when that item has been opened for consideration by the Commission and before any action is taken.

Approval of Commission Minutes

2. Approval of February 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.

Campaign Bank Account

- 3. In the Matter of Christensen, Serkin, and Waller for School Board 2017, Michael Christensen, Brad Serkin, and Brad Waller; FPPC No. 17/00098.** Staff: Commission Counsel Theresa Gilbertson and Special Investigator Marshall Miller. Christensen, Serkin, and Waller for School Board 2017 was a jointly controlled committee formed to support the successful re-election of Michael Christensen, Brad Serkin, and Brad Waller to the Redondo Beach Unified School District Board of Education in the March 7, 2017 Special Election. Waller also served as the Committee's treasurer. The Committee, Christensen, Serkin, and Waller failed to pay campaign expenditures from the designated campaign bank account, in violation of Government Code Section 85201 (1 count). **Total Proposed Penalty: \$2,000.**

Mass Mailing

- 4. In the Matter of Dan Roundtree for Thousand Oaks City Council 2015, Dan Roundtree, and Darby Levin; FPPC No. 15/701.** Staff: Commission Counsel Theresa Gilbertson and Special Investigator Jeffrey Kamigaki. Dan Roundtree was an unsuccessful candidate for the City Council of Thousand Oaks in the June 2, 2015 Primary Election. Dan Roundtree for Thousand Oaks City Council 2015 was his candidate-controlled committee. Darby Levin served as a paid campaign consultant. The Committee, Roundtree, and Levin failed to disclose identifying information on a mass mailing, in violation of Government Code Section 84305, subdivision (a) and Regulation 18435, subdivision (d) (1 count). **Total Proposed Penalty: \$3,500.**

Campaign Reporting

- 5. In the Matter of Gloria Olmos, Re-Elect Gloria Olmos for School Board 2013, and Committee to Elect Gloria Olmos for South El Monte City Council Member 2015; FPPC No. 14/1263 (Default Decision).** Staff: Commission Counsel Michael W. Hamilton and Staff Services Analyst Dominika Wojenska. Gloria Olmos was a successful candidate for the Valle School Board in the November 5, 2013 General Election and a successful candidate for the South El Monte City Council in the November 3, 2015

General Election. Re-Elect Gloria Olmos for School Board 2013 (“School Board Committee”) and Committee to Elect Gloria Olmos for South El Monte City Council Member 2015 (“City Council Committee”) were her candidate-controlled committees. Olmos and the School Board Committee failed to timely file three semiannual campaign statements for the reporting periods of January 1, 2014 through June 30, 2015, in violation of Government Code Section 84200, subdivision (a) (3 counts). Olmos and the City Council Committee failed to timely report expenditures made on one pre-election statement covering the reporting period of September 20, 2015 through October 17, 2015; and failed to accurately report expenditures and accrued expenses on the semiannual statement covering the reporting period of October 18, 2015 through December 31, 2015, in violation of Government Code Section 84211, subdivisions (j) and (k) (2 counts).

Total Proposed Penalty: \$18,000.

- 6. In the Matter of Committee for Quality Schools – Yes on Measure T, Randy Freeman, and Xochitl Tafolla-Molina; FPPC No. 16/330.** Staff: Commission Counsel Christopher Burton and Program Specialist Luz Bonetti. Committee for Quality Schools – Yes on Measure T was a committee primarily formed to support Perris Union High School District Measure T, a local school bond tax measure on the ballot in the November 6, 2012 General Election. Randy Freeman was the Committee’s principal officer. Xochitl Tafolla-Molina was the Committee’s treasurer. The Committee, Freeman, and Tafolla-Molina failed to timely file one semiannual campaign statement, in violation of Government Code Section 84200, subdivision (a) (1 count); failed to timely report certain subvendor payments, in violation of Government Code Sections 84303 and 84211, subdivision (k)(6) (1 count); and failed to timely file 24-Hour Reports, in violation of Government Code Section 84203 (2 counts). **Total Proposed Penalty: \$9,000.**

Campaign Non-Filer

- 7. In the Matter of Gil Navarro Legal Defense Fund, Navarro for 47th Assembly 2014, and Gilbert “Gil” Navarro; FPPC No. 16/137 (Default Decision).** Staff: Commission Counsel Ruth Yang and Staff Services Analyst Dominika Wojenska. Gil Navarro formerly served as a member of the San Bernardino County Board of Education from 2006 to 2013. Navarro was elected to the San Bernardino Valley Municipal Water District Board of Directors in the November 6, 2012 General Election and attempted to simultaneously hold both offices. Gil Navarro Legal Defense Fund (“Defense Committee”) is Navarro’s recipient committee formed to defend against his removal from the Board of Education. The Defense Committee and Navarro failed to timely file campaign statements covering the reporting period of July 1, 2013 through June 30, 2014, in violation of Government Code Section 84200 (2 counts); and failed to timely file a Statement of Organization marked for termination to terminate the Defense Committee, in violation of Government Code Section 85304.5 and Regulation 18530.45, subdivision (k) (1 count). Navarro was an unsuccessful candidate for the 47th District of the California State Assembly in the November 4, 2014 General Election. Navarro for 47th Assembly 2014 (“Assembly Committee”) was his candidate-controlled committee. The

Assembly Committee and Navarro failed to timely file two pre-election campaign statements covering the reporting periods of July 1, 2014 through October 18, 2014, in violation of Government Code Section 84200.7, subdivision (b) (2 counts); and failed to timely file four semiannual campaign statements covering the reporting periods of January 1, 2015 through June 30, 2016, in violation of Government Code Section 84200 (4 counts). **Total Proposed Penalty: \$36,500.**

- 8. In the Matter of Pam Bertani for Solano County Supervisor 2014 and Pam Bertani; FPPC No. 14/1112.** Staff: Senior Commission Counsel Bridgette Castillo and Staff Services Analyst Dominika Wojenska. Pam Bertani was a successful candidate for Fairfield City Council in the November 8, 2011 General Election. Bertani was a successful candidate for the Solano County Board of Supervisors in the June 3, 2014 Primary Election and an unsuccessful candidate in the November 4, 2014 General Election. Pam Bertani for Solano County Supervisor 2014 was her candidate-controlled committee. The Committee and Bertani failed to timely disclose contributions, expenditures, and contributor information on two pre-election and one semiannual campaign statements for the reporting periods of January 1, 2014 through June 30, 2014, in violation of Government Code Section 84211, subdivisions (a)-(f) (2 counts); and failed to timely file three 24-Hour Reports, in violation of Government Code Sections 84203 and 84203.3 (1 count). **Total Proposed Penalty: \$7,500.**
- 9. In the Matter of Dr. Weber for Assembly 2014, Dr. Shirley Weber and Xavier Martinez; FPPC No. 16/038.** Staff: Senior Commission Counsel Bridgette Castillo and Program Specialist Soni Mangat. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. Dr. Shirley Weber was a successful candidate in the November 4, 2014 General Election. Dr. Weber for Assembly 2014 was her candidate-controlled committee. Xavier Martinez was the Committee's treasurer. The Committee, Weber, and Martinez failed to timely file one \$5,000 Report, in violation of Government Code Section 85309, subdivision (c) (1 count); and failed to timely file five 24-Hour Reports, in violation of Government Code Sections 84203 and 85309, subdivision (a) (1 count). **Total Proposed Penalty: \$4,000.**
- 10. In the Matter of Robert G. Jones, Robert G. Jones for Los Rios Trustee 2010, and Julianne C. Jones; FPPC No. 16/339.** Staff: Senior Commission Counsel Angela Brereton and Special Investigator Roone Peterson. Robert G. Jones was a successful incumbent candidate for Trustee for the Los Rios Community College District in the November 4, 2014 General Election and has held this office since 2006. Robert G. Jones For Los Rios Trustee 2010 was his candidate-controlled committee for the 2010 and 2014 General Elections. Julianne C. Jones was the Committee's treasurer. The Committee, Jones, and Jones failed to timely file two pre-election campaign statements for the reporting periods of July 1, 2014 through October 18, 2014, in violation of Government Code Sections 84200.5 and 84200.7; failed to timely file one semiannual campaign statement for the reporting period of October 19, 2014 through December 31, 2014, in violation of Government Code Section 84200 (1 count); and failed to timely file two 24-

Hour Reports, in violation of Government Code Section 84203, subdivision (a) (1 count).
Total Proposed Penalty: \$3,500.

11. In the Matter of Lighting Efficiency & Design, Inc.; FPPC No. 18/00028 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Lighting Efficiency & Design, Inc. is a state major donor committee. The Committee failed to timely file major donor statements for the reporting periods of January 1, 2016 through June 30, 2017, in violation of Government Code Section 84200, subdivision (b) (3 counts); and failed to timely file four 24-Hour Reports, in violation of Government Code Section 84203, subdivisions (a) and (b) (4 counts). **Total Proposed Penalty: \$1,834.**

12. In the Matter of Independent Women's Voice (Support Steve Glazer / Oppose Susan Bonilla - Senate 2015) (Nonprofit 501(c)(4) Organization); FPPC No. 15/279 (Streamline Settlement). Staff: Senior Commission Counsel Neal Bucknell and Special Investigator George Aradi. In 2015, Independent Women's Voice (a nonprofit multipurpose organization, which was primarily formed to Support Steve Glazer and oppose Susan Bonilla in a special election for California State Senate, 7th District) failed to timely file six 24-Hour Reports, in violation of Government Code Section 84204 (6 counts). **Total Proposed Penalty: \$1,332.**

13. In the Matter of Steve Tye for Diamond Bar City Council 2013, Steven Tye, and Patricia A. Tye; FPPC No. 17/00074 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Staff Services Analyst Hayley Porter. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. Steven Tye was a successful incumbent candidate for Diamond Bar City Council in the November 5, 2013 General Election. Steve Tye for Diamond Bar City Council 2013 was his candidate-controlled committee. Patricia A. Tye was the Committee's treasurer. The Committee, Tye, and Tye failed to timely file three 24-Hour Reports, in violation of Government Code Section 84203 (3 counts). **Total Proposed Penalty: \$640.**

14. In the Matter of Keehn for Judge 2014; FPPC No. 16/472 (Streamline Settlement). Staff: Senior Commission Counsel Bridgette Castillo and Program Specialist Bob Perna. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. Carla Keehn was an unsuccessful candidate for Superior Court Judge in San Diego County in the June 3, 2014 Primary Election. Keehn for Judge 2014 was her candidate-controlled committee. Larry Conway was the Committee's treasurer. The Committee, Keehn, and Conway failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (2 counts). **Total Proposed Penalty: \$500.**

Statement of Economic Interests Non-Reporting

15. In the Matter of Whitney Benzian; FPPC No. 17/01463 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. Whitney Benzian, City Council Member for the City of Coronado, failed to timely

disclose his investment interest in and income from Benzian Brothers on his Assuming Office Statement of Economic Interests, in violation of Government Code Sections 87206 and 87207 (1 count). **Total Proposed Penalty: \$100.**

General Items 16-24

- 16. Adoption of Amendments to Regulation 18401. Required Recordkeeping.** Staff: Sukhi Brar, Senior Commission Counsel, Legal Division. The Commission will consider proposed amendments to Regulation 18401 to implement provisions of AB 249, including recordkeeping requirements for electronic mass mailings and earmarked funds, as well as other minor amendments.

Staff Memo

Proposed Amendments to Regulation 18401

- 17. Adoption of Amendments to Regulation 18450.1. Definitions. Advertisement Disclosure.** Staff: Karen Harrison, Commission Counsel, Legal Division. The Commission will consider proposed amendments to Regulation 18450.1, to conform the regulation to recent changes under AB 249, and select from three options regarding threshold definitions of “advertisement” for disclosure purposes, including an option to strike all bright-line quantity thresholds to define advertisement.

Staff Memo

Proposed Amendments to Regulation 18450.1 Option 1 and Option 2

Proposed Amendments to Regulation 18450.1 Option 3

Lange – 01/16/2018

Mullin – 12/20/2017

Clean Money Campaign - 12/20/2017

- 18. Discussion of Changes to Enforcement Streamline Programs.** Staff: Chief of Enforcement Galena West. In response to Commissioner Hatch’s request to revisit the streamline programs penalty structures, specifically the late or non-filing of campaign statements and reports penalties, the Enforcement Division presents information to facilitate a discussion of changes to the existing streamlined programs.

Staff Memo

- 19. Review of Enforcement Priorities and Procedures.** At the February 15, 2018 meeting, the Commission voted to review its enforcement priorities and create a procedures manual. Commissioner Audero requested this item to discuss and vote on the method for conducting the review, the scope of the review, and the issuance of instructions regarding the preparation of the next steps of the review process, including the launch of the review process itself.

Staff Memo

Audero Memo – Contains Complete Agenda Item

- 20. Report and Recommendations from Ad Hoc Committee Regarding Statement of Governance Principles.** At the October 19, 2017 meeting, the Commission established an ad hoc committee to review the Commission’s Statement of Governance Principles and prepare a report recommending any potential revisions. Commissioners Hayward and Hatch were appointed to serve and will present their report and recommendations for consideration.

Ad Hoc Committee FPPC Governance Proposal

- 21. Review of Reports Provided by the Executive Director.** Commissioner Audero has requested this item to discuss and vote on the Executive Director’s duty to report regularly to the Chair and Commission on the status of FPPC finances, administrative actions, goals and achievements, and determine the type of report that should be provided going forward, including the nature and extent of such report beyond the already identified topics and a consideration of privilege issues.

Executive Director Memo

Audero Memo – Contains Complete Agenda Item

- 22. Review of Process to Prepare the Commission Agenda for Posting.** Commissioner Audero requested this item to discuss and vote on a procedure to use going forward for the preparation, issuance and posting of the Commission agenda, including a timeline of tasks related thereto, with the goal of affording the Commissioners ample opportunity to review the agenda before it is posted and with sufficient time to revise it while still satisfying the open meeting laws.

Staff Memo

Audero Memo – Contains Complete Agenda Item

- 23. Executive Staff Reports.**

Enforcement Division. Galena West, Enforcement Chief

Legal Division. Jack Woodside, General Counsel

External Affairs and Education. Courtney Miller, Manager

Legislative and External Affairs. Phillip Ung, Director

- 24. Proposed Future Agenda Items.**

Note: The Commission may not discuss or take action on any matter raised during public comment 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).)

Below is a list of items currently pending for future agendas and the Commissioners who requested them.

- (Hayward and Audero) Solicit Attorney General’s opinion to clarify some of the advice provided by deputies attorney general at a presentation on the Bagley-Keene Open Meeting Act.

- (Audero) Request the Attorney General's office review its 1977 advice letter (*The Honorable Michael Bennett*, 60 Ops. Cal. Atty. Gen. 16), and let us know if the advice is still applicable considering the application of California's minimum wage law to state employees as of January 1, 2001.
- (Audero) Review whether the Commissioners can instruct the Enforcement Division to re-write all or part of a closure letter in a specific case with language that the Commissioners approve, or otherwise rescind and issue it with that language, starting with an analysis from the Legal Division with a possible request from the Attorney General's office.
- (Hayward) Review the feasibility of holding a future Commission meeting in a location other than Sacramento.