



## NOTICE AND AGENDA Commission Meeting<sup>1</sup>

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

Thursday, February 21, 2019  
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.

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<sup>1</sup>You 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](mailto:CommAsst@fppc.ca.gov).

The agenda and related documents are posted on the FPPC website at [www.fppc.ca.gov](http://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](mailto:CommAsst@fppc.ca.gov) (e-mail) and [ADACoordinator@fppc.ca.gov](mailto: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 January 2019 Commission Hearing Minutes.

## Enforcement Consent Calendar 3-11

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 Contributions

3. **In the Matter of Committee to Elect David Combellack Judge 2014, David W. Combellack, and Verne G. Sanders, Jr.; FPPC No. 17/077.** Staff: Commission Counsel Michael W. Hamilton and Program Specialist Bob Perna. The respondents were represented by Lance Olson of Olson Hagel & Fishburn LLP. David Combellack was an unsuccessful candidate for Superior Court Judge of El Dorado County in the June 3, 2014 Primary Election. Committee to Elect David Combellack Judge 2014 was his candidate-controlled committee. Verne Sanders was the Committee's treasurer. The Committee, Combellack, and Sanders erroneously reported on semi-annual campaign statements for the periods ending December 31, 2013 and December 31, 2014, that seven different individuals were the source of a \$5,000 loan, when the true source was one individual, in violation of Government Code 84211, subdivisions (f) and (g) (2 counts). In addition, the Committee accepted unlawful cash contributions, in violation of Government Code Section 84300, subdivision (a) (1 count) and failed to timely file four 24-hour late contributions reports, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$14,000.**

## Behested Payments

4. **In the Matter of Charles Ramsey; FPPC Case No. 16/19823.** Staff: Chief of Enforcement Galena West, Senior Commission Counsel Neal Bucknell, and Special Investigators George Aradi and Lance Hachigian. Charles Ramsey is a former member of the board of directors for the West Contra Costa Unified School District (WCCUSD). He is represented by attorneys James Harrison and Kristen Rogers of Remcho, Johansen & Purcell, LLP. From October 2012 to June 2014, Ramsey, while a member of the WCCUSD board of directors, failed to timely report 39 payments of \$5,000 or more made by 15 different donors at his behest to the Ivy League Connection, a privately financed scholarship program, in violation of Government Code Section 82015, subdivision (b)(2)(B)(iii) (9 counts). **Total Proposed Penalty: \$18,000.**

## Advertisements

5. **In the Matter of Committee for Yes on Measure B, Sunder Ramani, and Mary Alvord; FPPC No. 16/20101.** Staff: Senior Commission Counsel Christopher Burton and Special Investigator Garrett Micheels. Committee for Yes on Measure B was a primarily formed ballot measure committee supporting Burbank City Measure B, a measure on the ballot in the November 8, 2016 General Election that sought to approve the construction of a new terminal at the Burbank Airport. Sunder Ramani was the Committee's principal

officer and Mary Alvord was the Committee's treasurer. The Committee, Ramani, and Alvord failed to identify the Committee using a name or phrase that clearly identifies the economic or other special interest of its major donor, and failed to identify its major donor in advertisements, in violation of Government Code Sections 84103, 84503, and 84504, subdivision (a), and Regulation 18450.3 (1 count). The Committee failed to timely file a 24-hour contribution report for eight different late contributions, amounting to \$94,000, received during the reporting period of July 1, 2016 through September 24, 2016, and seven different late contributions, amounting to \$32,500, received during the reporting period of September 25, 2016 through October 22, 2016, in violation of Government Code Section 84203 (2 counts). The Committee also failed to timely file a 24-hour contribution report for five different late contributions, amounting to \$24,000, received during the reporting period of October 23, 2016 through December 31, 2016, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$11,500.**

6. **In the Matter of Preserve Tracy / "No on Measure M" and Dana Richards; FPPC No. 18/1104.** Staff: Commission Counsel Theresa Gilbertson and Special Investigator Roone Petersen. Preserve Tracy / "No on Measure M" is a local primarily formed ballot measure committee created to oppose the City of Tracy's Measure M, which appeared on the ballot in the November 6, 2018 General Election. Dana Richards is the Committee's treasurer. The Committee and Richards failed to include the full name of the Committee and required "Paid for by" phrase on yard signs, in violation of Government Code Sections 84502, 84504.2, subdivision (b), and 84107 (1 count). **Total Proposed Penalty: \$2,500.**

### Mass Mailing

7. **In the Matter of Peralta Community College District; FPPC No. 18/868.** Staff: Commission Counsel Ruth Yang and Special Investigator Lance Hachigian. The Peralta Community College ("District") is represented by Nitasha Sawhney and Gorev Ahuja of Garcia Hernandez Sawhney, LLP. The District comprises of four colleges serving northern Alameda County. On or around December 21, 2017, the District designed, printed, and distributed over 200 copies of a holiday postcard at public expense, featuring a photograph of its elected officials, in violation of Government Code Section 89001 and Regulation 18901, subdivision (a) (1 count). **Total Proposed Penalty \$2,000.**
8. **In the Matter of Camarillo Health Care District; FPPC No. 16/19913.** Staff: Senior Commission Counsel Christopher Burton and Special Investigator Jeffrey Kamigaki. Camarillo Health Care ("District") is an independent special district and public agency that provides community-based healthcare services to the Greater Camarillo area; Somis, parts of the Las Posas, Santa Rosa Valleys, and throughout Ventura County. In 2015 and 2016, the District designed, produced, printed, and mailed over 200 copies of four different issues of a quarterly magazine that featured photographs and names of several elected officers affiliated with the District, at public expense, in violation of Section 89001 (1 count). **Total Proposed Penalty: \$2,000.**

- 9. In the Matter of Madera Unified School District; FPPC No. 18/632.** Staff: Commission Counsel Ruth Yang. The Madera Unified School (“District”) operates public schools in Madera, California. The District is represented by Peter E. Denno of Atkinson, Andelson, Loya, Ruud & Romo. On or around May 18, 2018, the District prepared and distributed over 200 copies an issue of its official newspaper. The issue featured photographs of and a message from members regarding the District’s Board of Education and all elected officers, in violation of Government Code sections 89001 and 89002, subdivision (a) (1 count). **Total Proposed Penalty: \$2,000.**

### **Campaign Non-Filer**

- 10. In the Matter of Re-Elect Hector Chacon for School Board 2013 and Hector Chacon; FPPC No. 17/227.** Staff: Senior Commission Counsel Neal Bucknell, Special Investigator George Aradi, and Program Specialist Patricia Ballantyne. The respondent was represented by Richard Rios of Olson, Hagel & Fishburn, LLP. Hector Chacon was a successful candidate for re-election to the Montebello Unified School District Board of Directors in the November 5, 2013 General Election. Re-elect Hector Chacon for School Board 2013 was his candidate-controlled committee. The Committee and Chacon failed to file two 24-hour contribution reports regarding receipt of non-monetary contributions, in violation of Government Code sections 84203, subdivisions (a) and (b); and 84203.3, subdivision (b) (1 count); and failed to report receipt of these non-monetary contributions on a pre-election campaign statement for the period ending October 19, 2013, in violation of Government Code section 84211, subdivisions (a), (c), and (f) (1 count). **Total Proposed Penalty: \$4,500.**

- 11. In the Matter of Committee to Re-Elect David L. Boyd Orange County Board of Education Trustee Area Two – 2018 and David L. Boyd; FPPC No. 18/713.** Staff: Commission Counsel Theresa Gilbertson. David L. Boyd was an unsuccessful candidate for the Orange County Board of Education in the November 6, 2018 General Election. Committee to Re-Elect David L. Boyd was his candidate-controlled committee. The Committee and Boyd failed to timely file a pre-election campaign statement for the reporting period of April 22, 2018 through May 19, 2018, in violation of Government Code Sections 84200.5 and 84200.8 (1 count). **Total Proposed Penalty: \$2,500.**

### **Default Proceedings**

#### **Notice of Intent to Present Default Decision and Order at March Commission Meeting**

- 12. In the Matter of Committee to Clean House and Kevin McVey; FPPC No. 15/2202.** Staff: Senior Commission Counsel Christopher Burton and Special Investigator Jay Martin. Committee to Clean House was a primarily formed committee to oppose Ginny Foat, a candidate for Mayor of Palm Springs, and Paul Lewin, a candidate for Palm Springs City Council, in the November 3, 2015 General Election. The Committee’s principal officer and treasurer was Kevin McVey. The Committee and McVey failed to meet the naming requirements for primarily formed committees, and failed to identify the Committee as being primarily formed on its statement of organization, in violation of Government Code Section 84102 and Regulation 18402, subdivision (c)(3) (1 count). The Committee and McVey failed to disclose on certain advertisements that they

were not authorized or paid for by a candidate or committee controlled by a candidate, and failed to disclose the proper committee name on advertisements, in violation of Government Code Sections 84506.5, subdivision (a), and 84506, subdivision (a)(1) (1 count). The Committee and McVey failed to maintain adequate records for certain contributions and other receipts received, and certain expenditures made, in violation of Government Code Section 84104 and Regulation 18401 (1 count); improperly accepted cash contributions of \$100 or more, and made cash expenditures of \$100 or more, in violation of Government Code Section 84300, subdivisions (a) and (b) (1 count); and failed to timely file 24-hour contribution reports for a loan, and late contributions, in violation of Government Code Section 84203 (2 counts). The Committee and McVey also failed to timely file 24-hour independent expenditure reports for late independent expenditures, in violation of Government Code Section 84204 (1 count). **Total Proposed Penalty: \$23,000.**

- 13. In the Matter of Alvin Velasquez; FPPC No. 16/19750.** Staff: Commission Counsel Ruth Yang and Associate Government Programs Analyst Dominika Wojenska. Alvin Velasquez, a Water and Sewage Plant Supervisor with the California Department of Parks and Recreation, failed to timely file an Annual Statement of Economic Interests for the years 2015 and 2016 with the Department of Parks and Recreation, in violation of Government Code 87300 (2 count). **Total Proposed Penalty: \$10,000.**

#### **General Items 14-26**

- 14. Updated Instructions to Forms 496 and 497.** Staff: Trish Mayer, Assistant Chief, Legal Division. The instructions to Forms 496 and 497 have been revised to reflect changes as a result of recent legislation.

**Staff Memo**  
**Form 496**  
**Form 497 – Highlighted**  
**Form 497**

- 15. Regulation Projects and Schedule for 2019.** Staff: Loressa Hon, Acting Executive Director and Dave Bainbridge, General Counsel. Staff proposes for Commission consideration a list of regulation projects for 2019 and a schedule for presenting these regulation projects to the Commission for pre-notice discussion and adoption.

**Staff Memo**

- 16. Prenotice Discussion of Regulations 18994 and 18998 Regarding Commission and Franchise Tax Board Auditing Standards.** Staff: Dave Bainbridge, General Counsel, Ryan O'Connor, Commission Counsel. Staff presents amended Regulation 18994 to correct a clerical error. Staff presents proposed Regulations 18998 to clarify the auditing standards applied by Commission staff during audits and investigations.

**Staff Memo**  
**Proposed Regulation 18994**  
**Proposed Regulation 18998**

**17. Prenotice Discussion of Amendments to Regulation 18944.1** Staff: Dave Bainbridge, General Counsel; and Zachary W. Norton, Senior Counsel, Legal Division. Staff proposes amendments to Regulation 18944.1 that would clarify the requirements for written agency ticket distribution policies. It would also add a requirement that an agency's ticket distribution policy prohibit the disproportionate use of tickets or passes by members of the agency's governing board or chief administrative officer, and require when tickets are used for the oversight or inspection of facilities, amongst other proposed changes. The regulation is currently presented for discussion and direction by the Commission. It will be presented for adoption at a subsequent meeting.

**Staff Memo**  
**Proposed Regulation 18944.1**

**18. Legislation concerning the use of public funds for campaign activities.** Staff: Loressa Hon, Acting Executive Director, Dave Bainbridge, General Counsel, and Phillip Ung, Legislative and External Affairs Director. The Commission will consider sending a letter to leadership of the California Legislature to request they consider legislation authorizing the Commission to investigate and prosecute the unlawful use of public funds for campaign activities.

**Staff Memo**  
**Letter to Legislature – Senate Members**  
**Letter to Legislature – Assembly Members**

**19. Legislative Update.** Staff: Phillip Ung, Legislative and External Affairs, Director. The Commission will review and discuss a report on staff's communication with potential authors and stakeholders on sponsored legislation authorized at the December 2018 Meeting. The Commission will review and may take action on pending legislation.

**Staff Memo**

**20. Committee Updates**  
**Budget and Personnel Committee Update.**  
**Law and Policy Committee Update.**

**21. 2018 Budget Act Supplemental Report.** Staff: Loressa Hon, Acting Executive Director and Jue Wang, Administration Division Manager. Pursuant to supplemental reporting language in the 2018 Budget Act, staff provided the following document to the Fiscal Committee of the Legislature, the Legislative Analyst's Office and the Department of Finance.

**Supplemental Report**

**22. Delegation for Local Jurisdiction Contracting.** Staff: Loressa Hon, Acting Executive Director. The Commission may discuss and delegate authority to the Executive Director to proceed on contracting with local government agencies.

**Staff Memo**

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

#### **Advice Letter Report**

- 24. Executive Staff Reports.**

Enforcement Division. Galena West, Enforcement Chief

Legal Division. David Bainbridge, General Counsel

External Affairs and Education. Deborah Hanephin, Manager

Executive Director Update. Loressa Hon, Acting Executive Director

#### **Executive Staff Report**

- 25. 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).)

- 26. Closed Session. Personnel Matter (Gov. Code § 11126, subs. (a) and (b); 11126(e)(1).)**