



NOTICE AND AGENDA Commission Meeting¹

Oakland City Hall
1 Frank H. Ogawa Plaza, Hearing Room 1
Oakland, CA 94612

Thursday, January 17, 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.

- 2. Oakland Ethics Presentation**

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

3. Approval of December 2018 Commission Hearing Minutes.

Enforcement Consent Calendar 4-26

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 Non-Filer

- 4. In the Matter of Friends of Livermore, Leland Younker, and David Jonas; FPPC No. 16/19930.** Staff: Senior Commission Counsel Christopher Burton and Program Specialist Patricia Ballantyne. The respondents were represented by Christopher LaGrassa of Churchwell White, LLP. Friends of Livermore was a city general purpose committee that engaged in political activity in advance of the November 8, 2016 General Election. Leland Younker was the Committee's principal officer and David Jonas was the Committee's treasurer. The Committee, Younker, and Jonas failed to timely file 42 different 24-hour independent expenditure reports for late independent expenditures, in violation of Government Code Section 84204 (1 count); failed to timely report \$62,155.92 in sub-vendor payments on campaign statements, in violation of Government Code Sections 84303 and 84211, subdivision (k)(6) (1 count); and failed to provide sufficient notice to six potential major donor committees, in violation of Government Code Section 84105 and Regulation 18427.1 (1 count). **Total Proposed Penalty: \$6,000.**
- 5. 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.**
- 6. In the Matter of Pandya for Mayor 2018 and Amit Pandya; FPPC No. 18/982.** Staff: Commission Counsel Theresa Gilbertson. Amit Pandya was an unsuccessful candidate for Mayor of Salinas in the November 6, 2018 General Election. Pandya for Mayor 2018 was his candidate-controlled committee. The Committee and Pandya failed to timely file two pre-election campaign statements for the reporting periods of July 1, 2018 through September 22, 2018 and September 23, 2018 through October 20, 2018, in violation of Government Code 84200.5 (1 count). **Total Proposed Penalty: \$2,000.**

- 7. In the Matter of Salem for Council 2014 and Mercedes Salem; FPPC No. 16/747 (Streamline Settlement).** Staff: Commission Counsel Ruth Yang and Associate Governmental Program Analyst Dominika Wojenska. Mercedes Salem was an unsuccessful candidate for Mountain View City Council in the November 4, 2014 General Election. Salem for Council 2014 was her candidate-controlled committee. The Committee and Salem failed to timely file two semi-annual campaign statements for the reporting period of January 1, 2016 through December 31, 2016, in violation of Government Code section 84200 (2 counts). **Total Proposed Penalty: \$1,600.**
- 8. In the Matter of Friends of Maricela Cruz for Trustee 2018, Maricela Cruz, and Daisy S. Martinez; FPPC No. 18/1200.** Staff: Commission Counsel Theresa Gilbertson. Maricela Cruz was an unsuccessful candidate for the Alisal Union School District Governing Board Trustee, Area 2, in the November 6, 2018 General Election. Friends of Maricela Cruz for Trustee 2018 was her candidate-controlled committee. Daisy Martinez was the committee's treasurer. The Committee, Cruz, and Martinez failed to timely file two pre-election campaign statements for the reporting periods of July 1, 2018 through September 22, 2018 and September 23, 2018 through October 20, 2018, in violation of Government Code 84200.5 (1 count). **Total Proposed Penalty: \$1,500.**
- 9. In the Matter of California Education Project, Mary Azevedo, and Bob Schuman; FPPC No. 18/1493 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. California Education Project is a County General Purpose Committee. Mary Azevedo is the Committee's Treasurer and Bob Schuman is the principal officer. The Committee, Azevedo, and Schuman failed to timely file four 24-hour independent expenditure reports, in violation of Government Code Section 84204 (4 counts). **Total Proposed Penalty: \$976.**
- 10. In the Matter of Bonsall Taxpayers Against Measure DD; FPPC No. 16/19929 (Streamline Settlement).** Staff: Senior Commission Counsel Angela Brereton and Special Investigator Ann Flaherty. Bonsall Taxpayers Against Measure DD was a primarily formed committee opposing Measure DD, an unsuccessful ballot measure on the November 8, 2016 ballot. Bonsall Taxpayers Against Measure DD failed to timely file a statement of organization, in violation of Government Code Section 84101 (1 count), failed to timely file a pre-election campaign statement for the reporting period of September 25, 2016 through October 22, 2016, in violation of Government Code Section 84200.5 (1 count); and failed to timely file a semi-annual 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: \$699.**
- 11. In the Matter of Wes Speake for Corona City Council 2018, Wes Speake, and Belinda Lopez; FPPC No. 18/846 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chris Holm. Wes Speake was a successful candidate for Corona City Council in the November 6, 2018 General Election. Wes Speake for Corona City Council 2018 is his candidate-controlled committee. Belinda Lopez is the Committee's treasurer. The Committee, Speake and Lopez failed to timely file one pre-election campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$429.**

- 12. In the Matter of Anthony Kuo for Irvine City Council 2018, Anthony Kuo, and Rebecca Luby; FPPC No. 18/1077 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Anthony Kuo was a successful candidate for Irvine City Council in the November 6, 2018 General Election. Anthony Kuo for Irvine City Council 2018 is his candidate-controlled committee. Rebecca Luby is the Committee's treasurer. The Committee, Kuo, and Luby failed to timely report an accrued expense related to a fundraiser on the pre-election campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84211 (1 count). **Total Proposed Penalty: \$412.**
- 13. In the Matter of Giba for Mayor 2018, Jeffrey Giba, and Lysa Ray; FPPC No. 18/848 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chris Holm. Jeffrey Giba was an unsuccessful candidate for Mayor of Moreno Valley in the November 6, 2018 General Election. Giba for Mayor 2018 is his candidate-controlled committee. Giba and the Committee failed to timely file one pre-election campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$312.**
- 14. In the Matter of Mike McKibbin for San Juan School Board 2018 and Mike McKibbin; FPPC No. 18/823 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Staff Services Analyst Shaina Elkin. Mike McKibbin was a successful candidate for San Juan Unified School District Board in the November 6, 2018 General Election. Mike McKibbin for San Juan School Board 2018 is his candidate-controlled committee. The Committee and McKibbin failed to timely file one preelection campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$284.**
- 15. In the Matter of Lorena Corona for Fontana City Mayor 2018, Lorena Corona and Cynthia Corona; FPPC No. 18/830 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Staff Services Analyst Shaina Elkin. Lorena Corona was an unsuccessful candidate for Fontana City Mayor in the November 6, 2018 General Election. Lorena Corona for Fontana City Mayor 2018 is her candidate-controlled committee. Cynthia Corona is the Committee's treasurer. The Committee, Corona and Corona failed to timely file one preelection campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$283**
- 16. In the Matter of Elect Baldwin-Kennedy for Assembly 44 in 2018, Ronda Baldwin-Kennedy, and Michael Kennedy; FPPC No. 18/1149 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Ronda Baldwin-Kennedy was an unsuccessful candidate for State Assembly in the November 6, 2018 General Election. Elect Baldwin-Kennedy for Assembly 44 in 2018 is her candidate-controlled committee. Michael Kennedy is the Committee's Treasurer. The Committee, Baldwin-Kennedy, and Kennedy failed to timely file a pre-election campaign statement for the reporting period of September 23, 2018 through October 20, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$277.**

- 17. In the Matter of Shannon O'Brien for Fontana City Council 2018 and Shannon O'Brien; FPPC No. 18/832 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Staff Services Analyst Shaina Elkin. Shannon O'Brien was an unsuccessful candidate for Fontana City Council in the November 6, 2018 General Election. Shannon O'Brien for Fontana City Council 2018 is her candidate-controlled committee. The Committee and O'Brien failed to timely file one pre-election campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$269.**
- 18. In the Matter of M Sandoval for School Board 2018, Mary Sandoval, and Maria Cecella Bolanos; FPPC No. 18/989 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Mary Sandoval was a successful candidate for Board Member of the Fontana Unified School District in the November 6, 2018 General Election. M Sandoval for School Board 2018 was her candidate-controlled committee. Maria Cecella Bolanos was the Committee's Treasurer. The Committee, Sandoval, and Bolanos failed to timely file a pre-election campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$255.**
- 19. In the Matter of Committee to Re-Elect Jennifer Navarro for Westside School Board 2018 and Jennifer Navarro; FPPC No. 18/1028 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chris Holm. Jennifer Navarro was a successful candidate for Westside School Board in the November 6, 2018 General Election. Committee to Re-Elect Jennifer Navarro for Westside School Board 2018 is her candidate-controlled committee. The Committee and Navarro failed to timely file one pre-election campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$222.**
- 20. In the Matter of Committee to Elect Phillip Goodrich to EVWD 2018, Phillip Goodrich, and Anita D. Goodrich; FPPC No. 18/919 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Phillip Goodrich was a successful candidate for Trustee of the East Valley Water District in the November 6, 2018 General Election. Committee to Elect Phillip Goodrich to EVWD 2018 was his candidate-controlled committee. Anita D. Goodrich was the Committee's treasurer. The Committee, Goodrich, and Goodrich failed to timely file a pre-election campaign statement for the reporting period of January 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$216.**
- 21. In the Matter of Barrios for South Bay Union School District 2018 and Louis Barrios; FPPC No. 18/875 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. Louis Barrios was a successful candidate for South Bay Union School District Board of Trustees in the November 6, 2018 General Election. Barrios for South Bay Union School District 2018 is his candidate-controlled committee. The Committee and Barrios failed to timely file a pre-election campaign statement for the reporting period of July 1, 2018

through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$215.**

Statement of Economic Interests Non-Filer

- 22. In the Matter of Noah Levy; FPPC No. 17/1440 (Streamline Settlement).** Staff: Senior Commission Counsel Christopher Burton. Noah Levy, Planning Commissioner for Humboldt County, failed to timely file an Annual Statement of Economic Interest for the years 2014, 2015, and 2016, in violation of Government Code Section 87203 (3 counts). **Total Proposed Penalty: \$2,400.**
- 23. In the Matter of Benjamin Lutes; FPPC No. 18/460 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Benjamin Lutes, a Member of the City of Folsom Arts and Cultural Commission, failed to timely file an Assuming Office and a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$800.**
- 24. In the Matter of Jesus Zaragoza; FPPC No. 18/743 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Enforcement Intake Manager Tara Stock. Jesus Zaragoza, a Board Member for the Hamilton City Community Services District, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200**
- 25. In the Matter of Hector Garcia; FPPC No. 18/522 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Hector Garcia, a Commissioner for the Green Vernon Commission and the Vernon Housing Commission, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
- 26. In the Matter of Karlaina Gipson; FPPC No. 18/1506 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Karlaina Gipson, an Environmental Scientist for the Department of Toxic Substances Control, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

General Items 27-40

- 27. Proposed Adoption of Amendments to Regulation 18702.2** Staff: Dave Bainbridge, General Counsel; Brian Lau, Assistant General Counsel; and John M. Feser Jr., Senior Counsel, Legal Division. Staff proposes adoption of amendments to Regulation 18702.2 that would clarify the materiality standards in conflict of interest cases involving real property. The proposed amendments would establish a bright-line materiality standard on real property interests located more than a set distance from real property that is the subject of a governmental decision, among other proposed changes.

Staff Memo

Proposed Regulation 18702.2

- 28. Toskr, Inc.’s Request for Review of the Denial of its Opinion Request - Regulation 18321.** Staff: Dave Bainbridge, General Counsel, Brian Lau, Assistant General Counsel, and Karen Harrison, Staff Counsel. The Commission will review the denial of Toskr, Inc.’s request for an opinion as to whether text message advertisements sent through its platform by committee volunteers require disclosures as stated in Section 84504.3(a). The opinion request was denied because it raises no substantial question of interpretation for the Commission. (Regulation 18320(f)(2).)

Staff Memo
Request for Opinion
FPPC Letter Denying Opinion Request
Request to Review Denial Letter

- 29. Adoption of Regulations 18360.1 and 18360.2 Regarding Enforcement Division’s Streamline Settlement Program.** Staff: Galena West, Chief of Enforcement, Ryan P. O’Connor, Counsel, Legal Division. Staff proposes adoption of Regulations 18360.1 and 18360.2. Adoption of proposed Regulations 18360.1 and 18360.2 will codify and expand the Commission’s Streamline Settlement Program. In considering Regulations 18360.1 and 18360.2, the Commission may consider any issues pertaining to the implementation of the program, such as the types of violations, the factors for participation, corresponding penalty amount, and ultimate review of the program.

Staff Memo
Proposed Regulation 18360.1
Proposed Regulation 18360.2

- 30. Budget Update.** Staff: Loressa Hon, Acting Executive Director and Jue Wang, Administration Division Manager.

Expenditure for 18/19 Second Quarter
FY 19/20 Governor’s Budget

- 31. 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

- 32. 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.

Staff Memo
2019 Tentative Legislative Calendar

- 33. Legislative Delegation.** Staff. Loressa Hon, Acting Executive Director, and Phillip Ung, Legislative and External Affairs, Director. The Commission may discuss and delegate authority to the Executive Director to accept or deny amendments on sponsored legislation and change the Commission's legislative position under certain conditions.

Staff Memo

- 34. Committee Updates**
Budget and Personnel Committee Update.
Law and Policy Committee Update.

- 35. 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 December Executive Staff Report. The Commission may act to withdraw the advice provided.

Advice Letter Report

- 36. 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

- 37. 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).)

- 38. Closed Session. Pending Litigation (Gov. Code § 11126(e)(1))** *California State Association of Counties, et al., v. Fair Political Practices Commission*, Los Angeles Superior Court Case No: BS174653. Staff: Dave Bainbridge, General Counsel, and John Feser, Senior Commission Counsel. Discussion of pending litigation, updates and further handling.

- 39. Closed Session. Pending Litigation (Gov. Code § 11126(e)(1))** *Burgess v. Fair Political Practices Commission*, Riverside Superior Court Case No: RIC-1510656. Staff: Dave Bainbridge, General Counsel, and John Feser, Senior Commission Counsel. Discussion of pending litigation regarding motion for costs and attorney's fees on appeal.

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