



NOTICE AND AGENDA Commission Meeting¹

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

Thursday, June 13, 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

Richard C. Miadich, 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 May 2019 Commission Hearing Minutes.

Enforcement Consent Calendar 3-8

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.

Conflicts of Interest

3. **In the Matter of Joshua Mitchell, FPPC No. 14/1333.** Staff: Bridgette Castillo, Senior Commission Counsel and Garrett Micheels, Special Investigator. Joshua Mitchell is a former City Council Member and Mayor of the City of Sanger from 2010 to 2015. During this time, he voted to extend a Residential Impact Fee Waiver Program and a development agreement, which had a foreseeable financial effect on his source of income, in violation of Government Code Section 87100 (1 count). Mitchell also failed to disclose a source of income to his business on his 2012 and 2013 Annual Statements of Economic Interest, in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$6,000.**

Campaign Non-Filer

4. **In the Matter of Harold Fong for School Board 2016 and Harold Fong; FPPC No. 18/744.** Staff: Theresa Gilbertson, Commission Counsel. Harold Fong was a successful candidate for re-election as Trustee to the Sacramento County Board of Education in the November 8, 2016 General Election. Harold Fong for School Board 2016 is his candidate-controlled committee. The Committee and Fong failed to timely file two semiannual campaign statements for the reporting period of January 1, 2018 through June 30, 2018 and July 1, 2018 through December 31, 2018, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$2,000.**

Behested Payments

5. **In the Matter of Christina Shea; FPPC Case No. 16/101.** Staff: Neal Bucknell, Senior Commission Counsel and Jeffrey Kamigaki, Supervising Special Investigator. The respondent was represented by James Ferguson of the Ferguson Law Firm. Christina Shea, the Mayor of Irvine, failed to timely file two behested payment reports in 2015, in violation of Government Code Section 82015, subdivision (b)(2)(B)(iii). **Total Proposed Penalty: \$1,500.**

Default Proceedings

Default Proceedings Requesting Commission Action

6. **In the Matter of Eric Payne For SCCCD 2016 Trustee Area 2 and Eric Payne; FPPC No. 16/19917.** Staff: Angela Brereton, Assistant Chief Counsel and Dominika Wojenska, Associate Governmental Program Analyst. Eric Payne has been a member of the Board of Trustees for the State Center Community College District (“SCCCD”) since his election in 2012, and was a successful candidate for re-election in the November 8, 2016 General

Election. Eric Payne for SCCCD 2016 Trustee Area 2 was his candidate-controlled committee. Payne was the Committee's treasurer during the 2016 campaign.

Payne's Violations: Payne failed to timely file the Statement of Intention to be a Candidate prior to the 2016 re-election campaign, in violation of Government Code Section 85200 (1 count); failed to timely file and disclose sources of income and business positions on his 2012, 2013, 2014, 2015 and 2016 Annual Statement of Economic Interests, and his 2016 Candidate Statement of Economic Interests, in violation of Government Code Sections 87200, 87207, and 87209 (6 counts); and misused campaign funds to purchase campaign, business, or casual clothing, in violation of Government Code Section 89513, subdivision (d) (1 count). **Proposed Penalty: \$37,000.**

The Committee and Payne's Violations: The Committee and Payne failed to timely amend their Statement of Organization to re-designate the Committee, in violation of Government Code Section 84103 (1 count); failed to timely file two semiannual campaign statements, in violation of Government Code Section 84200 (2 counts); failed to timely file two pre-election campaign statements, in violation of Government Code Section 84200.5 and 84200.8 (2 counts); failed to timely file four 24-Hour Reports, in violation of Government Code Section 84203, subdivision (a) (4 counts). The Committee and Payne failed to accurately report all contributions and expenditures on two pre-election campaign statements, in violation of Government Code Section 84211, subdivisions (a) - (d), (f), and (i) - (k) (1 count). The Committee and Payne received prohibited cash contributions and made prohibited cash expenditures, in violation of Government Code Section 84300, subdivision (a) and (b) (2 counts); and the Committee and Payne failed to maintain supporting records for contributions received and expenditures made, in violation of Government Code Section 84104 (1 count). **Total Proposed Penalty for the Committee and Payne: \$29,000.**

7. **In the Matter of Santa Ana Committee for Safe Neighborhoods and Safe Access Supporting Measure BB and Opposing Measure CC, and Van Ton; FPPC No. 15/1004.** Staff: Theresa Gilbertson, Commission Counsel, Marshall Miller, Special Investigator, and Dominika Wojenska, Associate Governmental Program Analyst. Santa Ana Committee for Safe Neighborhoods and Safe Access Supporting Measure BB and Opposing Measure CC was a local primarily formed ballot measure committee. Van Ton was the Committee's treasurer. The Committee and Ton failed to timely file eight semiannual campaign statements, in violation of Government Code Section 84200 (8 counts); failed to timely file a pre-election campaign statement, in violation of Government Code Section 84200.5 (1 count); failed to timely file a 24-Hour Report, in violation of Government Code Section 84203 (1 count); and failed to accurately report expenditure information on a pre-election campaign statement and contributor information on a semiannual campaign statement, in violation of Government Code Section 84211 (2 counts). **Total Proposed Penalty: \$43,000.**
8. **In the Matter of Re-Elect Terry Cox for Central Unified School District Trustee Area 6, 2016, Terry Cox, and Julie Lim; FPPC No. 17/382.** Staff: Christopher Burton, Senior Commission Counsel and Dominika Wojenska, Associate Governmental Program Analyst. Terry Cox was a successful candidate for re-election to the Central Unified School District Board of Trustees in the November 8, 2016 General Election. Re-Elect Terry Cox for Central Unified School District Trustee Area 6, 2016 was her candidate-controlled committee. Julie Lim was the Committee's treasurer. The Committee, Cox, and Lim failed to timely file three semiannual campaign statements for the reporting periods of October 23,

2016 through December 31, 2016; January 1, 2017 through June 30, 2017; and July 1, 2017 through December 31, 2017, in violation of Government Code Section 84200 (3 counts).

Total Proposed Penalty: \$9,000.

General Items 9-17

- 9. Proposed Repeal and Adoption of Regulation 18329, Formal Written Advice and Informal Assistance.** Staff: Dave Bainbridge, General Counsel; and Karen Harrison, Commission Counsel, Legal Division. Staff submits proposed Regulation 18329 for adoption. Proposed Regulation 18329 updates and organizes the language regarding the advice process to reflect current formal advice and informal assistance practices. It also proposes processes for Commission actions in responding to written requests, and details the Commission's oversight role in the advice process. The proposed regulation will provide clarity for requestors as to their rights and duties in requesting and receiving timely compliance assistance.

Staff Memo

Proposed Repeal of Regulation 18329

Proposed Adoption of Regulation 18329

- 10. Adoption of Non-Substantive Amendments to Various Regulations.** Staff: Dave Bainbridge, General Counsel; Brian Lau, Assistant General Counsel; and Kevin Cornwall, Commission Counsel, Legal Division. Staff proposes amendments to Regulations 18117, 18215.1, 18215.3, 18217, 18219, 18225.4, 18225.7, 18238.5, 18308.1, 18308.3, 18404.1, 18466, 18531.61, 18535, 18741.1, 18944. The proposed amendments are non-substantive, and include changes such as correcting and updating cross references, correcting spelling and grammar, and implementing alternate phrasing and organization for the purpose of clarification. The proposed amendments are being presented for adoption.

Staff Memo

Proposed Amendments to Regulation 18117

Proposed Amendments to Regulation 18215.1

Proposed Amendments to Regulation 18215.3

Proposed Amendments to Regulation 18217

Proposed Amendments to Regulation 18219

Proposed Amendments to Regulation 18225.4

Proposed Amendments to Regulation 18225.7

Proposed Amendments to Regulation 18238.5

Proposed Amendments to Regulation 18308.1

Proposed Amendments to Regulation 18308.3

Proposed Amendments to Regulation 18404.1

Proposed Amendments to Regulation 18466

Proposed Amendments to Regulation 18531.61

Proposed Amendments to Regulation 18535

Proposed Amendments to Regulation 18741.1

Proposed Amendments to Regulation 18944

11. Update on Enforcement Agreements with Municipalities Pursuant to Government Code Sections 83123.5 and 83123.6. Staff: Thomas Jones, Executive Director. Update on the drafting of model contracts for implementation of agreements pursuant to Government Code Sections 83123.5 and 83123.6.

12. Committee Updates

Budget and Personnel Committee Update.

Law and Policy Committee Update.

13. Legislative Update. Staff: Dave Bainbridge, General Counsel and Jay Wierenga, Communications Officer. The Commission will review and discuss recommendations from the Law & Policy Committee. The Commission will review and may take action on pending legislation.

Staff Memo

14. Minner Advice Letter, A-19-032. Staff: Dave Bainbridge, General Counsel and Brian Lau, Assistant General Counsel. The Commission will review and discuss Advice Letter A-19-032 issued to Heather Minner, City Attorney for the City of Cupertino on April 15, 2019. The Commission may act to withdraw the advice provided.

A-19-032

15. 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 May Executive Staff Report. The Commission may act to withdraw the advice provided.

Advice Letter Report

16. Executive Staff Reports.

Enforcement Division. Galena West, Enforcement Chief
Legal Division. David Bainbridge, General Counsel

Executive Staff Report

17. 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).)