



NOTICE AND AGENDA Commission Meeting¹

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

Thursday, March 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.

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 February 2019 Commission Hearing Minutes.

Enforcement Consent Calendar 3-7

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 California Republican Party and Mike Osborn; FPPC No. 17/1378.

Staff: Chief of Enforcement Galena West, Program Specialist Luz Bonetti, and Commission Counsel Ruth Yang. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. The respondents are represented by Rebecca Luby of PFS Political Finance Solutions, Inc. California Republican Party is a state general purpose committee. Mike Osborn was the Committee's treasurer at relevant times. The Committee and Osborn failed to deposit contributions from 13 contributors into the permitted campaign bank account causing the Committee to receive contributions over the limits for candidate support, in violation of Government Code Section 85303 and Regulation 18534, subdivisions (b) and (c); and failed to timely file nine 24-Hour Reports, in violation of Government Code Section 84203. **Total Proposed Penalty: \$6,500.**

Mass Mailing

4. In the Matter of Pasadena Latino PAC and Alexander Keledjian; FPPC No. 15/165.

Staff: Senior Commission Counsel Neal Bucknell and Special Investigator Ann Flaherty. The respondents are represented by Brian Hildreth of Bell, McAndrews, and Hiltachk, LLP. The Pasadena Latino PAC is a city general purpose committee. Alexander Keledjian is the PAC's principal officer and treasurer. In March 2015, the Committee and Keledjian sent a mass mailing (in opposition to a candidate for the Pasadena Unified School District Board of Education), and did not disclose the PAC as the true sender, in violation of Government Code Section 84305 and Regulation 18435 (1 count). That same year, the Committee and Keledjian received approximately seven cash contributions of \$100 or more and made a cash expenditure of \$100 or more, in violation of Government Code Section 84300, subdivisions (a) and (b) (1 count). **Total Proposed Penalty: \$4,000.**

Statement of Economic Interests Non-Reporter

5. In the Matter of Wendy Mitchell; FPPC No. 16/252. Staff: Senior Commission Counsel Bridgette Castillo and Special Investigator Ann Flaherty. The respondent was represented by Gary S. Winuk of Kaufman Legal Group. Wendy Mitchell, a former Commissioner for the California Coastal Commission, failed to timely disclose a source of income of \$10,000 or more to her business on a 2015 Annual Statement of Economic Interests, in violation of Sections 87203 and 87207, subdivision (b)(2). (1 count). **Total Proposed Penalty: \$1,500.**

Default Proceedings

Default Proceedings Requesting Commission Action

6. **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, 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 Reports, in violation of Government Code Section 84203 (2 counts). The Committee and McVey also failed to timely file 24-Hour Independent Expenditure Reports, in violation of Government Code Section 84204 (1 count). **Total Proposed Penalty: \$23,000.**

7. **In the Matter of Friends of Anna Song for County Board of Education 2016 and Anna Song; FPPC No. 17/107.** Staff: Commission Counsel Theresa Gilbertson, Associate Governmental Program Analyst Dominika Wojenska, and Law Clerk Kirin Jessel. Anna Song was elected to and has served on the Santa Clara County Board of Education since 2000. Her current term ends in 2020. Friends of Anna Song for County Board of Education 2016 is her candidate-controlled committee. The Committee and Song failed to timely file two semiannual campaign statements for the reporting periods of July 1, 2016 through December 31, 2016 and January 1, 2017 through June 30, 2017, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$8,000.**

General Items 8-15

8. **Proposed Adoption of Regulation 18998 and Amendment to Regulation 18994.** Staff: Dave Bainbridge, General Counsel, Ryan O'Connor, Counsel, Legal Division. Staff proposes adoption of Regulation 18998 to clarify the auditing guidelines and standards applied by Commission staff in conducting mandatory audits and discretionary audits and investigations. Staff proposes an amendment to Regulation 18994 to correct a clerical error.

Staff Memo

Proposed Regulation 18994

Proposed Regulation 18998

9. **Status Report by Enforcement Review Task Force on Complaint/Investigation Process.** Stephen Kaufman, Enforcement Review Task Force Chair.

10. Approval of Commissioner Compensation Request. Staff: Loressa Hon, Acting Executive Director. 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

11. Committee Updates
Budget and Personnel Committee Update.
Law and Policy Committee Update.

12. Legislative Update. Staff: Phillip Ung, Legislative and External Affairs, Director. 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

13. 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 February Executive Staff Report. The Commission may act to withdraw the advice provided.

Advice Letter Report

14. Executive Staff Reports.
Enforcement Division. Galena West, Enforcement Chief
Legal Division. David Bainbridge, General Counsel
External Affairs and Education. Deborah Hanephin, Manager

Executive Staff Report

15. 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).)