



NOTICE AND AGENDA Commission Meeting¹

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

Thursday, January 26, 2023
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. 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](#). To participate in real time, visit <http://mediasite.fppc.ca.gov/> or call (877) 411-9748; access code 723284.

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.

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. To participate in real time, visit <http://mediasite.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.

Approval of Commission Minutes

2. **Approval of November 2022 Commission Hearing Minutes.**
3. **Approval of December 2022 Commission Hearing Minutes.**

Consent Calendar 4-11

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 Contribution Limits

4. **In the Matter of Michael Welsh, Mr. C's Towing of South Gate, and Fubar Properties, LLC; FPPC No. 19/695.** Staff: Jenna C. Rinehart, Commission Counsel and George Aradi, Special Investigator. In 2019, Michael Welsh, General Manager of Mr. C's Towing of South Gate and Fubar Properties, LLC made contributions to state and local candidates through the businesses managed by Welsh. As a result, Welsh and the businesses qualified as a major donor committee. Welsh and the businesses made contributions that exceeded the applicable contribution limit, in violation of Government Code Section 85301 and regulation 18545 (1 count). Additionally, as a major donor committee, Welsh and the businesses failed to timely file two semi-annual campaign statements and a 24-Hour Report, in violation of Government Code Section 84200, subdivision (b), and 84203 (1 count). **Total Proposed Penalty: \$5,500.**

Behested Payments

5. **In the Matter of William Dodd; FPPC No. 19/439.** Staff: Neal Bucknell, Senior Commission Counsel. The respondent is represented by Gary Winuk and Joseph Guardarrama of the Kaufman Legal Group. Dodd is a member of the California State Senate, District 3. In 2017 and 2018, numerous donors made charitable payments in amounts of \$5,000 or more to the Salvation Army and the Napa Valley Education Foundation at Dodd's behest, but Dodd failed to timely report 27 of these payments, totaling \$481,900, in violation of Government Code Section 82015, subdivision (b)(2)(B)(iii), as in effect prior to 2018, and Section 84224, as in effect after 2017 (5 counts). **Total Proposed Penalty: \$7,500.**

Conflict of Interests

6. **In the Matter of Dirk Starbuck; FPPC No. 18/297.** Staff: Theresa Gilbertson, Senior Commission Counsel and Paul Rasey, Special Investigator. Dirk Starbuck is a council member for the City of Lompoc. As a member of the city council, Starbuck participated in discussions and voted on matters related to the permitting of cannabis dispensaries, in which they knew or had reason to know of a material financial effect on Starbuck's real property, in violation of Government Code Section 87100 (2 counts.) **Total Proposed Penalty: \$8,000.**

Advertisements

7. **In the Matter of Yes on Q! Oakland Neighbors For Our Parks and People, Susan Montauk, and Stacy Owens; FPPC No. 20/354.** Staff: Theresa Gilbertson, Senior Commission Counsel and Lance Hachigian, Special Investigator. Yes on Q! Oakland Neighbors for Our Parks and People was a primarily formed ballot measure committee active during the March 3, 2020 Primary Election. Susan Montauk served as the principal officer and Stacy Owens served as the treasurer. The Committee, Montauk, and Owens caused two advertisements to be distributed that failed to include the top contributor information in the disclosure statement and exhibited errors in formatting, in violation of Government Code Sections 84106, 84107, 84502, 84503, and 84504.2 (1 count). **Total Proposed Penalty: \$3,000.**

Campaign Late Reporter

- 8. In the Matter of John Cox for Governor 2018, John Cox, and Mclayn Ryan; FPPC No. 21/1092.** Staff: Alex Rose, Commission Counsel. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. John Cox was an unsuccessful candidate for Governor in the November 6, 2018 General Election. John Cox for Governor 2018 was Cox's candidate-controlled committee and Mclayn Ryan was the committee treasurer. The Committee, Cox, and Ryan failed to timely disclose contributor occupation and employer information for 1,123 contributors, in violation of Government Code Section 84211 (1 count). **Total Proposed Penalty: \$4,500.**

Campaign Late Filer

- 9. In the Matter of Thomas Patti, Tom Patti for County Supervisor 2016/2020, and Kimm Lovelace; FPPC No. 21/725.** Staff: Neal Bucknell, Senior Commission Counsel and Paul Rasey, Special Investigator. Patti is a member of the San Joaquin County Board of Supervisors. Tom Patti for County Supervisor 2016/2020 was their candidate-controlled committee, and Lovelace was the committee treasurer. Respondents are represented by Gary Winuk of the Kaufman Legal Group. During the months of September through November 2016, and December 2019 through February 2020, the committee, Patti, and Lovelace failed to timely file 24-Hour Reports, in violation of Government Code Section 84203 (2 counts). Also, they failed to report and itemize credit card charges of \$100 or more and payments to subvendors in amounts of \$500 or more on semi-annual and pre-election campaign statements, in violation of Government Code Sections 84211, subdivision (k), 84303, and regulation 18421.9 (4 counts). **Total Proposed Penalty: \$12,000.**

Gift Over-the-Limit

- 10. In the Matter of Jeffrey Bryant; FPPC Case No. 20/201.** Staff: Jenna C. Rinehart, Commission Counsel. The respondent was represented by Ren Nosky of JRG Attorneys at Law. Jeffrey Bryant, General Manager of the Firebaugh Canal Water District and Alternate Director of the San Joaquin River Exchange Contractors Water Authority, failed to timely report the receipt of gifts on the 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87207 (2 counts). Additionally, these gifts exceeded the applicable annual gift limit, in violation of Government Code Section 89503 (2 counts). **Total Proposed Penalty: \$13,000.**
- 11. Regulation Projects and Schedule for 2023.** Staff: Dave Bainbridge, General Counsel. Staff proposes for Commission consideration a list of regulation projects for 2023 and a schedule for presenting these regulations projects to the Commission for pre-notice discussion and adoption.

Staff Memo

General Items 12-17

- 12. Legislative Development.** Staff: Lindsey Nakano, Senior FPPC Legislative Counsel. The Commission will review and discuss potential sponsored and other legislation. The Commission will provide direction on future legislation to be sought by the agency.

Legislative Development

- 13. FY 2023/2024 Budget.** Staff: Loressa Hon, Chief of Administration.

Staff Memo

14. Enforcement Division Update. Enforcement Division Staff. An overview of the following: 2022 workload recap; 2022 preelection outreach; AdWatch program updates; and information regarding statutes of limitations for Enforcement matters.

15. Policy Directive re Enforcement Division. Staff: Richard C. Miadich, FPPC Chair. The Commission will consider adopting policy directives designed to assist the Enforcement Division in improving the timeliness and efficiency of its work.

Policy Directives

16. Commissioner Comments and Proposed Future Agenda Items.

Note: Although any 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).)

17. Executive Staff Reports.

Enforcement Division. Angela Brereton, Chief.

Audits and Assistance Division. Shrdha Shah, Chief.

Legal Division. David Bainbridge, General Counsel.

Administration and Technology Division. Loressa Hon, Chief.

Executive Director Update. Galena West, Executive Director.

Executive Staff Report

Supplemental Legislative Report