



EXECUTIVE STAFF REPORTS

December 16, 2021 Commission Hearing

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I. ENFORCEMENT DIVISION

STAFF: ANGELA BRERETON, CHIEF OF ENFORCEMENT

A. Overview

During the period of November 1, 2021 through November 30, 2021 the Enforcement Division received 41 complaints, opened 12 for investigation, and rejected 16. The Enforcement Division received 92 referrals during this time. The Enforcement Division closed a total of 118 cases including:

- 72 warning letters –advertisement violations (2), behested payment violations (1), conflict of interest violations (1), campaign violations (18), and statement of economic interests violations (50);
- 21 no action closure letters alleging – advertisement violations (1), campaign violations (6), conflict of interest violations (1), lobbying violations (1), and statement of economic interests violations (12);
- 18 approved stipulations from the October and November Commission meetings;
- 1 advisory letter for lobbying reporting; and
- 6 committees were administratively terminated.

The Division had 1,575 cases in various stages of resolution at the time of the November Monthly Report and currently has approximately 1,573 cases in various stages of resolution, including the 15 cases before the Commission as listed in the December Agenda.

B. Annual Statistics

On the next page, you will find a chart that details the annual statistics for enforcement complaints, referrals and cases. This chart includes the data from 2020, where Enforcement had a highly efficient and effective year, receiving over 2,900 complaints and referrals and closing 1,117 cases with violations found. The information in the chart has been gathered from public reports, information from the defunct and inactive database, and data that has been converted into current form, so the numbers are close estimates in some instances.

	Year	2016	2017	2018	2019	2020
1	Complaints Received	1,180	564	1,352	744	1,390
2	Referrals Received	350	1,616	1,529	1,950	1,518
3	Total Complaint and Referrals Received	1,530	2,180	2,881	2,694	2,908
4	Cases opened	1,315	1,480	1,561	1,820	1,155
5	Cases closed ³	1,803	1,477	1,243	1,465	1,526
6	Cases with resolutions approved by the Commission ¹	311	340	235	343	278
a	Streamline cases approved by Commission	234	262	173	263	194
b	Mainline cases approved by Commission	70	66	56	73	77
c	Default cases approved by Commission	7	12	6	7	7
7	Total fines imposed by the Commission	\$894,257	\$1,126,933	\$499,606	\$797,384	\$1,940,107
8	Warning letters issued	489	505	554	584	777
9	Administrative terminations	668	297	177	104	62
10	Cases closed with violations found ²	1,468	1,142	966	1,031	1,117
1	Advisory letters issued	14	17	20	9	7
12	No action closure letters	321	318	252	423	402

¹ Total for lines 6a, 6b, and 6c.

² Total for lines 6, 8, and 9.

³ Total cases closed includes Commission approved cases from the previous year and Commission approved administrative judgements. It does not include Commission approved cases not yet closed.

C. Unexecuted Streamline Stipulations

Streamline penalty stipulations are approved by the Chief of Enforcement and reported to the Commission for discussion only before they are executed. The following streamline stipulations are presented for that purpose. After the close of the hearing, the Chief of Enforcement may execute all or any of the streamline penalty stipulations, at the Chief's discretion per Regulation 18360.2.

Since the last Monthly Report, the Enforcement Chief has not used discretion to increase the penalties for Tier Two advertising violations resulting in public confusion, under Regulation 18360.3(d)(7)(B)(i)(b), or to increase the penalties for Tier Two violations involving the same candidate, committee, or principal officer who has paid a Tier One penalty to the Commission or received a Warning Letter from the Commission for the same type of violation occurring within the last five years, based on the resulting public harm.

The Enforcement Chief did not use any discretion under Regulation 18360.2 to exclude violations in the streamline cases presented with this report.

Advertisements

In the Matter of Keep Stanton Safe No on QQ and Nancy Heitman; FPPC No. 16/19937.

Staff: Bridgette Castillo, Senior Commission Counsel. The respondents were represented by Mark S. Rosen. Keep Stanton Safe No on Measure QQ was a local primarily formed ballot measure committee that opposed Measure QQ, a tax repeal initiative, in connection with the November 8, 2016 Election. Nancy Heitman was the Committee's principal officer. The Committee and Heitman failed to include the proper advertisement disclaimers on street and lawn signs, in violation of Government Code Section 84504 (2 counts). **Total Penalty: \$850 (Tier Two).**

Campaign Late Filer/Reporter

In the Matter of Vista Teachers Association PAC, Keri Avila, and Debra Wheelock; FPPC No. 18/1054.

Staff: Angela Brereton, Chief of Enforcement and Dominika Wojenska, Associate Governmental Program Analyst. Vista Teachers Association PAC is a local general purpose committee that was politically active in advance of the November 3, 2020 General Election. Keri Avila is the Committee's treasurer and Debra Wheelock is the Committee's former treasurer. The Committee, Avila, and Wheelock failed to timely file one preelection campaign statement, in violation of Government Code Section 84200.5 (1 count), two semi-annual campaign statements, in violation of Government Code Section 84200 (2 counts), and five 24-hour reports, in violation of Government Code Section 84203 (5 counts). The Committee, Avila, and Wheelock also failed to report certain activity on a preelection campaign statement, in violation of Government Code Section 84211 (1 count). **Total Penalty: \$4,368 (Tier One & Two).**

In the Matter of Theodore Dzuiba for Senate 2019, Theodore Dzuiba for Senate 2020, and Theodore Dzuiba; FPPC No. 20/346.

Staff: Marissa Nash, Commission Counsel. Theodore Dzuiba was an unsuccessful candidate for State Senate in the March 26, 2019 Special Primary Election. Theodore Dzuiba for Senate 2019 and Theodore Dzuiba for Senate 2020 were Dzuiba's

candidate-controlled committees. The 2019 Committee and Dzuiba failed to timely file one semi-annual campaign statement, in violation of Government Code Section 84200 (1 count) and one 24-hour report, in violation of Government Code Section 84203 (1 count). The 2020 Committee and Dzuiba failed to timely file one semi-annual campaign statement, in violation of Government Code Section 84200 (1 count) and two 24-hour reports, in violation of Government Code Section 84203 (2 counts). **Total Penalty: \$3,562 (Tier One & Two).**

In the Matter of Fresno Teachers Association PAC and Leticia Rice; FPPC No.

18/305. Staff: Christopher Burton, Assistant Chief of Enforcement. Fresno Teachers Association PAC is a local general purpose committee that was active during the November 8, 2016 General Election. Leticia Rice was the Committee's treasurer at the time of the subject violations. The Committee and Rice failed to timely file one preelection campaign statement, in violation of Government Code Section 84200.5 (1 count) and six 24-hour reports, in violation of Government Code Section 84203 (6 counts). **Total Penalty: \$2,413 (Tier One & Two).**

In the Matter Josue Alvarado for California State Assembly District 57 2020 and Josue Alvarado; FPPC No. 20/1037.

Staff: Alex Rose, Commission Counsel. Josue Alvarado was an unsuccessful candidate for State Assembly District 57 in the March 3, 2020 Primary Election. Josue Alvarado for California State Assembly District 57 2020 was Alvarado's candidate-controlled committee. The Committee and Alvarado failed to timely file one semi-annual campaign statement, in violation of Government Code Section 84200 (1 count), one preelection campaign statement, in violation of Government Code Section 84200.5 (1 count), and one 24-hour report, in violation of Government Code Section 84203 (1 count). **Total Penalty: \$1,503 (Tier One & Two).**

In the Matter of Democratic Woman's Club of San Diego County and Rosamond Blevins; FPPC No. 18/1057.

Staff: Jenna C. Rinehart, Commission Counsel and Paul Rasey, Special Investigator. Democratic Woman's Club of San Diego County is a local general purpose committee. Rosamond Blevins is the Committee's treasurer. The Committee and Blevins failed to timely file a statement of organization, in violation of Government Code Section 84101 (1 count), and three semi-annual campaign statements, in violation of Government Code Section 84200 (3 counts). **Total Penalty: \$918 (Tier One).**

In the Matter of Feigenbaum for Hemet Treasurer 2020 and Howard Feigenbaum; FPPC No. 20/922.

Staff: Angela Brereton, Chief of Enforcement and Tara Stock, Intake Manager. Howard Feigenbaum was an unsuccessful candidate for Treasurer of the City of Hemet in the November 3, 2020 General Election. Feigenbaum for Hemet Treasurer 2020 was Feigenbaum's candidate-controlled committee. The Committee and Feigenbaum failed to timely file a preelection campaign statement, in violation of Government Code Section 84200.5 (1 count). **Total Penalty: \$226 (Tier One).**

Statement of Economic Interests Late Filer

In the Matter of Nick Rivera; FPPC No. 19/283: Staff: David E. Castro, Commission Counsel. Nick Rivera, as a Planning Commissioner for the City of Watsonville, failed to timely file a 2017

and 2018 Annual/Leaving Office Statement of Economic Interests, in violation of Government Code Sections 87203 and 87204 (2 counts). **Total Penalty: \$1,600 (Tier One).**

In the Matter of Gregory Garcia; FPPC No. 19/1109. Staff: Alex Rose, Commission Counsel. Gregory Garcia, a Planning Commissioner for the City of Selma, failed to timely file an Assuming Office, 2018 Annual, 2019 Annual, and a 2020 Annual Statement of Economic Interests, in violation of Government Code Sections 87202 and 87203 (4 counts). **Total Penalty: \$800 (Tier One).**

In the Matter of Patricia Nolen; FPPC No. 19/1391. Staff: David E. Castro, Commission Counsel. Patricia Nolen, as a member of the Corcoran City Council, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Penalty: \$400 (Tier One).**

In the Matter of Vincent Andreotti; FPPC No. 19/1202. Staff: Angela Brereton, Chief of Enforcement and Kimberly Rawnsley, Staff Services Analyst. Vincent Andreotti, a Board Member with the California Rice Commission, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Penalty: \$200 (Tier One).**

In the Matter of Cindy Rodas; FPPC No. 21/718. Staff: Angela Brereton, Chief of Enforcement and Taylor Culberson, Assistant Political Reform Consultant. Cindy Rodas, an Alternate Member of the Board of Directors for Pooled Liability Assurance Network JPA, failed to timely file a 2019 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Penalty: \$200 (Tier One).**

In the Matter of Vicente Carrasco; FPPC No. 21/733. Staff: Angela Brereton, Chief of Enforcement and Taylor Culberson, Assistant Political Reform Consultant. Vicente Carrasco, a Planning Commissioner for the City of Corcoran, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87202 (1 count). **Total Penalty: \$200 (Tier One).**

In the Matter of Tiffany Vela; FPPC No. 21/1045. Staff: Angela Brereton, Chief of Enforcement and Taylor Culberson, Assistant Political Reform Consultant. Tiffany Vela, a Social Worker I with HHSA Social Services, failed to timely file a 2020 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$200 (Tier One).**

II. LEGAL DIVISION

STAFF: DAVE BAINBRIDGE, GENERAL COUNSEL

A. Pending Litigation

Mat Wahlstrom v. FPPC, Steven J. Kaufman and Kaufman Legal Group, APC

San Diego County Superior Court, Central Division

Case No. 37-2020-00030654-CU-WMCTL

Petitioner filed a petition for writ of mandate on August 31, 2020. The petition seeks to set aside a streamline stipulation, decision and order against Todd Gloria adopted by the Commission in November 2019. The Attorney General is representing the Commission. The Commission timely filed an answer to the complaint. Petitioner filed an amended petition on May 12, 2021. The Commission filed a demurrer to the amended petition that is set for hearing on December 10, 2021, at 8:30 a.m. in Department 65 before Judge Ronald F. Frazier.

B. Outreach and Training

Webinars

- November 3rd, the FPPC conducted a Candidate/Treasurer webinar for the Santa Clara County Republican Party. Political Reform Consultants, Alex Castillo, and Adam Ramirez, presented. 88 people attended.
- November 16th, the FPPC hosted a Statement of Economic Interests (Form 700) Filing Officer webinar. Political Reform Consultants, Adam Ramirez, and Alex Castillo, presented. 24 people attended.
- November 17th, the FPPC hosted a Statement of Economic Interests (Form 700) webinar. Political Reform Consultants, Katie Trumbly and Stephen Hernandez, presented. 5 people attended.

Scheduled Webinars

- December 7th, the FPPC is hosting a Statement of Economic Interests (Form 700) Filing Officer webinar.
- December 9th, we are presenting on new laws and regulations at the City Clerks Annual Conference.
- December 14th, the FPPC is hosting a Statement of Economic Interests (Form 700) Filing Officer webinar.

Video Tutorials

- Commission video tutorials were accessed a total of 300 times in November. Form 700 videos were accessed 152 times, the Candidate/Treasurer video was accessed 111 times, and the filing officer videos were accessed 37 times.

C. Advice

The November Advice Letter Report is available on the FPPC website at <https://www.fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports/2021-advice-letter-reports/FPPC-advice-letter-report-nov-2021.html>.

In November, the Legal Division responded to the following requests for advice:

- **Education Program:** The Education Program responded to 282 requests for technical assistance via phone.
- **Requests for Advice:** The Email Advice and Conflict of Interest Code Program and Legal Division attorneys collectively responded to 451 email requests for advice, 59 of which were not responded to within 24 hours.
- **Advice Letters:** The Legal Division received 7 advice letter requests under the Political Reform Act and completed 6.
- **Section 1090 Letters:** The Legal Division received 2 advice letter request concerning Section 1090 and completed 5. This year to date, we have received 60 advice requests regarding Section 1090.

D. Miscellaneous Decisions

SEI Exemption Requests

Regulation 18740 provides that an official or candidate is not required to disclose the name of a person under Section 87207 if disclosure would violate California or Federal law. The following exemption was approved in November:

- Charles Purcell, Consultant, California Public Employees Retirement System

E. Potential Upcoming Regulations

The regulations calendar for 2022 will be presented at the January 2022 Commission meeting.

F. Conflict of Interest Codes

Adoptions and Amendments

State Agencies

- California Privacy and Protection Agency

Multi-County Agencies

- Oakdale Joint Unified School District
- Bay Area Community College District JPA
- Sacramento County Sanitation Districts Financing Authority
- Shasta-Tehama-Trinity Joint Community College District
- Truckee Tahoe Workforce Housing Agency

Exemptions

None

Extensions

None

G. Probable Cause Hearings

Probable cause proceedings are conducted per Government Code section 83115.5. A finding of probable cause does not constitute a finding a violation occurred. Respondents are presumed innocent of any violation of the Act unless a violation is proven in a subsequent proceeding.

The following matters were decided based solely on the papers. The respondents did not request a probable cause hearing.

In the Matter of Committee to Re-Elect Michele Jenkins Santa Clarita Community College District Area 4 2016, Re-Elect Michele Jenkins Santa Clarita Community College District Governing Board Member Area 4 2020, Michele Jenkins, and Gregor Jenkins, Case Nos. 17/998. On November 5, 2021, probable cause was found to believe that Respondents committed the following violations of the Act:

2016 Committee, Michele Jenkins, and Gregory Jenkins

Count 1: The 2016 Committee, Michele Jenkins, and Gregory Jenkins failed to timely file a pre-election campaign statement for the reporting period ending September 24, 2016, by the September 29, 2016 due date, in violation of Government Code Sections 84200.5 and 84200.8.

Count 2: The 2016 Committee, Michele Jenkins, and Gregory Jenkins failed to timely file a pre-election campaign statement for the reporting period ending October 22, 2016, by the October 27, 2016 due date, in violation of Government Code Sections 84200.5 and 84200.8.

Count 3: The 2016 Committee, Michele Jenkins, and Gregory Jenkins failed to timely file a semi-annual campaign statement for the reporting period ending December 31, 2016, by the January 31, 2017 due date, in violation of Government Code Section 84200.

- Count 4: The 2016 Committee, Michele Jenkins, and Gregory Jenkins failed to timely file a semi-annual campaign statement for the reporting period ending June 30, 2017, by the July 31, 2017 due date, in violation of Government Code Section 84200.
- Count 5: The 2016 Committee, Michele Jenkins, and Gregory Jenkins failed to timely file a 24-hour contribution report for a late contribution totaling \$3,000 received on September 30, 2016, by the October 3, 2016 due date, in violation of Government Code Section 84203.
- Count 6: The 2016 Committee, Michele Jenkins, and Gregory Jenkins failed to timely report a \$500 contribution received on or around October 20, 2016, in violation of Government Code Section 84211.
- Count 7: Between September 2, 2016 and June 23, 2017, the 2016 Committee, Michele Jenkins, and Gregory Jenkins failed to deposit contributions totaling at least \$723 into its designated campaign bank account and failed to make expenditures totaling at least \$723 from its designated campaign bank account, in violation of Government Code Section 85201.
- Count 8: Between September 2, 2016 and June 23, 2017, the 2016 Committee, Michele Jenkins, and Gregory Jenkins failed to maintain adequate campaign records for contributions totaling at least \$6,270 and for expenditures totaling at least \$3,471.18, in violation of Government Code Section 84104.

2020 Committee and Michele Jenkins

- Count 9: The 2020 Committee and Michele Jenkins failed to timely file an amendment to the statement of organization to report the date the 2020 Committee qualified as a committee by the September 21, 2020 due date, in violation of Government Code Section 84101.
- Count 10: The 2020 Committee and Michele Jenkins failed to timely report certain contributor information, during the reporting period ending October 17, 2020, for contributions received totaling at least \$450, in violation of Government Code Section 84211.

In the Matter of Tracy Leathers, Case No. 17-28. On November 1, 2021, probable cause was found to believe Respondent committed the following violations of the Act:

- Count 1: Leathers failed to timely file her 2015 Annual SEI by the April 1, 2016 due date, in violation of Government Code Section 87300.
- Count 2: Leathers failed to timely file her 2016 Annual SEI by the April 3, 2017 due date, in violation of Government Code Section 87300.

Count 3: Leathers failed to timely file her 2017 Annual SEI by the April 2, 2018 due date, in violation of Government Code Section 87300.

Count 4: Leathers failed to timely file her 2019 Annual SEI by the June 1, 2020 due date, in violation of Government Code Section 87300.

Count 5: Leathers failed to timely file her 2020 Annual SEI by the April 1, 2021 due date, in violation of Government Code Section 87300.

III. ADMINISTRATION & TECHNOLOGY DIVISION

STAFF: LORESSA HON, CHIEF OF ADMINISTRATION

New Employee Report

Legal Division

Lindsay Rice, Political Reform Consultant I

Audit and Assistance Division

Shrdha Shah, Division Chief

Statement of Economic Interest (Form 700)

As of December 1, 2021, there were 205 Form 700 non-filers of the 2020/2021 Annual Form 700 filing. The Statement of Economic Interest Unit has made 199 non-filer referrals to the Enforcement Division.