



EXECUTIVE STAFF REPORTS

February 16, 2023 Commission Hearing

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I. ENFORCEMENT DIVISION

STAFF: CHRISTOPHER BURTON, ACTING CHIEF OF ENFORCEMENT

A. Overview

During the period of January 1, 2023 through January 31, 2023 the Enforcement Division received 69 complaints, opened 0 for investigation, and rejected 30. Enforcement Division received 89 referrals during this time. The Enforcement Division closed a total of 66 cases including:

- 43 warning letters – advertisement violation (2), campaign violations (28), and statement of economic interests violations (13);
- 4 no action closure letters: PREP completed – statement of economic interests violations
- 6 no action closure letters alleging – advertisement violations (2), campaign violation (1), conflict of interest violation (1), and statement of economic interests violations (2);
- 9 approved stipulations from the January Commission meeting; and
- 4 closed as duplicates.

The Division had 1,415 cases in various stages of resolution at the time of the January Monthly Report and currently has approximately 1,449 cases in various stages of resolution, including the 13 cases before the Commission as listed in the February 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 2021, in which the Enforcement Division had a 16% increase in Streamline Penalties compared to 2020 after the Commission updated the Streamline Program regulations with the goal of making the Streamline Program more inclusive. 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	2018	2019	2020	2021	2022
1	Complaints Received	1,352	744	1,390	606	1,379
2	Referrals Received	1,529	1,950	1,518	1,751	1,724
3	Total Complaint and Referrals Received	2,881	2,694	2,908	2,357	3,103
4	Cases opened	1,561	1,820	1,155	1,185	990
5	Cases closed ³	1,243	1,465	1,526	1,058	1,075
6	Cases with penalties ¹	235	343	278	269	161
	a Streamline cases	173	263	194	234	142
	b Mainline cases	56	73	77	32	14
	c Default cases	6	7	7	3	5
7	Total fines imposed	\$499,606	\$797,384	\$1,940,107	\$472,248	\$617,548
8	Warning letters issued	554	584	777	475	681
9	Administrative terminations	177	104	62	59	53
10	Cases closed with violations found ²	966	1,031	1,117	803	895
1	Advisory letters issued	20	9	7	16	8
12	No action closure letters	252	423	402	237	217

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. Prior Year's Workload – 2022 Quarterly Summary

3/31/2022		6/30/2022	
Year Opened	Existing Case Workload	Year Opened	Existing Case Workload
2016	10	2016	7
2017	19	2017	12
2018	174	2018	154
2019	268	2019	253
2020	361	2020	335
2021	476	2021	451

9/30/2022		12/31/2022		
Year Opened	Existing Case Workload	Year Opened	Existing Case Workload	Difference in Case Workload
2016	5	2016	3	-2
2017	7	2017	5	-2
2018	119	2018	105	-14
2019	223	2019	208	-15
2020	322	2020	311	-11
2021	425	2021	402	-23

D. Presentations

None to report.

E. 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 used discretion under Regulation 18360.2 to exclude violations in the following streamline cases presented with this report: In the Matter of Lynne Boone for Compton

City Clerk 2021, Lynne Boone, and Jasper Jackson; FPPC No. 2021-00619 [The Committee raised and spent less than \$10,000]; In the Matter of Dena Florez for Bassett USD School Board 2020, Dena Florez, and Victoria Florez; FPPC No. 2021-00230 [Lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm that were corrected upon contact, and the committee raised and spent less than \$10,000]; and In the Matter of Committee to Elect Diana Leon Gitz, Diana Leon Gitz, and Jonathan Sabater; FPPC No. 2023-00034 [Lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm that were corrected upon contact, and the committee raised and spent less than \$10,000].

Campaign Late Reporter

In the Matter of Montanez for WMWD Director, Division 5 2020, Eugene Montanez; FPPC No. 20/908. Staff: David E. Castro, Commission Counsel. Montanez for WMWD Director, Division 5, 2020 is a candidate-controlled committee for Eugene Montanez. The Committee and Montanez failed to include the required disclosures on a text message advertisement, in violation of Government Code Section 84504.7 (1 count), and failed to timely report the value of the text messaging campaign, in violation of Government Code Section 84211 (1 count). **Total Penalty: \$223 (Tier One).**

In the Matter of Committee to Elect Keith Wolaridge for PBVUSD Trustee 2018, Keith Wolaridge and Joanne Wolaridge; FPPC No. 18/964. Staff: Marissa Nash, Commission Counsel. Keith Wolaridge was a successful candidate for the Panama Buena Vista School District in the November 6, 2018 General Election. Committee to Elect Keith Wolaridge for PBVUSD Trustee 2018 was Wolaridge's candidate-controlled committee and Joanne Wolaridge served as the Committee's treasurer. The Committee, Keith Wolaridge and Joanne Wolaridge failed to timely report \$1,044 in expenditures on the semi-annual campaign statement covering the period of October 21, 2018 through December 31, 2018, in violation of Government Code Section 84211 (1 count) and failed to timely report \$462 in expenditures on the semi-annual campaign statement covering the period of January 1, 2019 through June 30, 2019, in violation of Government Code Section 84211 (1 count). **Total Penalty: \$214 (Tier One).**

Campaign Late Filer

In the Matter of Salinas Valley Builders Exchange PAC, Christie Cromeenes, Cliff Fasnacht; FPPC No. 19/518. Staff: Alex Rose, Commission Counsel. Salinas Valley Builders Exchange PAC is a local general purpose committee. Christie Cromeenes was the Committee's treasurer until Fasnacht, the current treasurer, assumed the role. The Committee, Cromeenes, and Fasnacht failed to timely file seven semi-annual campaign statements, in violation of Government Code Section 84200 (7 counts); a pre-election campaign statement, in violation of Government Code Section 84200.5 (1 count); a statement of organization amendment, in violation of Government Code Section 84103 (1 count); and two 24-hour reports, in violation of Government Code Section 84203 (2 counts). **Total Penalty: \$2,820 (Tiers One & Two).**

In the Matter of Lynn Boone for Compton City Clerk 2021, Lynn Boone, Jasper Jackson; FPPC No. 21/619. Staff: Alex Rose, Commission Counsel and Ann Flaherty, Special Investigator. Lynn Boone was an unsuccessful candidate for Compton City Clerk in an April 20, 2021 local election. Lynn Boone for Compton City Clerk 2021 was Boone's candidate-controlled committee and Jasper Jackson was the Committee's treasurer. The Committee, Boone, and Jackson failed to timely file two pre-election campaign statements, in violation of Government Code Section 84200.5 (2 counts). **Total Penalty: \$1,115 (Tier One).**

In the Matter of Hershberger for County Clerk / Recorder / Registrar of Voters, Benjamin Hershberger, and Catherine Carter; FPPC No. 22/553. Staff: Christopher Burton, Acting Chief of Enforcement and Shaina Elkin, Associate Governmental Program Analyst. Benjamin Hershberger was an unsuccessful candidate for Humboldt County Clerk, Recorder, Registrar of Voters in the June 7, 2022 Primary Election. Hershberger for County Clerk / Recorder / Registrar of Voters is Hershberger's candidate-controlled committee. Catherine Carter served as the Committee's treasurer. The Committee, Hershberger, and Carter failed to timely file a statement of organization, in violation of Government Code Section 84101 (1 count) and failed to timely file two 24-hour reports, in violation of Government Code Section 84203 (2 counts). **Total Penalty: \$753 (Tier One).**

In the Matter of Dena Florez for Bassett USD School Board 2020, Dena Florez, and Victoria Florez; FPPC No. 21/230. Staff: Jonathan Rivera, Commission Counsel. Dena Florez was a successful candidate for the Bassett Unified School District Board in the November 3, 2020 General Election. Dena Florez for Bassett USD School Board 2020 was Florez's candidate-controlled committee and Victoria Florez served as the Committee's treasurer. The Committee, Dena Florez, and Victoria Florez failed to timely file two 24-hour reports, in violation of Government Code Section 84203 (2 counts). **Total Penalty: \$690 (Tiers One & Two).**

In the Matter of Committee to Elect Erik Ortega for IVC Trustee Area 7 2022, Erik Ortega, and Claudia Carrasco; FPPC No. 22/1046. Staff: Christopher Burton, Acting Chief of Enforcement and Vanessa Greer, Staff Services Analyst. Erik Ortega was a successful candidate for Imperial Community College – Trustee Area 7 in the November 8, 2022 General Election. Committee to Elect Erik Ortega for IVC Trustee Area 7 2022 was Ortega's candidate-controlled committee and Claudia Carrasco served as the Committee's treasurer. The Committee, Ortega, and Carrasco failed to timely file a pre-election campaign statement, in violation of Government Code Section 84200.5 (1 count). **Total Penalty: \$580 (Tier Two).**

In the Matter of Asian Pacific Islander Democrats of Sacramento County, Linh Nguyen; FPPC No. 20/1136. Staff: Christopher Burton, Acting Chief of Enforcement and Tara Stock, Intake Manager. Asian Pacific Islander Democrats of Sacramento County is a local general purpose committee. Linh Nguyen is the Committee's treasurer. The Committee and Nguyen failed to timely file a semi-annual campaign statement, in violation of Government Code Section 84200 (1 count). **Total Penalty: \$402 (Tier One).**

In the Matter of Strikwerda for Yucaipa Calimesa School Board-2022, and Heidi Strikwerda; FPPC No. 22/995. Staff: Christopher Burton, Acting Chief of Enforcement and Vanessa Greer, Staff Services Analyst. Heidi Strikwerda was an unsuccessful candidate for

Yucaipa-Calimesa Joint Unified School District Member, Governing Board Area 5 in the November 8, 2022 General Election. Strikwerda for Yucaipa Calimesa School Board-2022 was Strikwerda's candidate-controlled committee and Strikwerda served as the Committee's treasurer. The Committee and Strikwerda failed to timely file a 24-hour report, in violation of Government Code Section 84203 (1 count). **Total Penalty: \$215 (Tier One).**

In the Matter of Diana Leon Gitz, Jonathan Sabater, and Committee to Elect Diana Leon Gitz; FPPC No. 23/034. Staff: Christopher Burton, Acting Chief of Enforcement and Vanessa Greer, Staff Services Analyst. Diana Leon Gitz was an unsuccessful candidate for Brawley Union High School District in the November 8, 2022 General Election. Committee to Elect Diana Leon Gitz was their candidate-controlled committee. Jonathan Sabater served as the Committee's treasurer. The Committee, Leon Gitz, and Sabater failed to timely file a 24-hour report, in violation of Government Code Section 84203 (1 count). **Total Penalty: \$210 (Tier One).**

In the Matter of Crisol Mena for School Board 2022, Crisol Mena, and Julian Steve Garcia; FPPC No. 22/949. Staff: Christopher Burton, Acting Chief of Enforcement and Vanessa Greer, Staff Services Analyst. Crisol Mena was an unsuccessful candidate for Ontario-Montclair School District Member, Governing Board Area 3 in the November 8, 2022 General Election. Crisol Mena for School Board 2022 was Mena's candidate-controlled committee and Julian Steve Garcia served as the Committee's treasurer. The Committee, Mena, and Garcia failed to timely file a 24-hour report, in violation of Government Code Section 84203 (1 count). **Total Penalty: \$210 (Tier One).**

II. AUDITS AND ASSISTANCE DIVISION

STAFF: SHRDHA SHAH, CHIEF

Audits are conducted per Government Code sections 90000 - 90008 of the Political Reform Act (the Act). The Act requires full disclosure of receipts and expenditures of candidates and committees and disclosure of the finances of lobbyists. The purpose of the audits is to determine the level of compliance of the auditees with the Act. The opinions expressed in the audit report reflect the level of compliance with the Act. The FPPC is not responsible for the contents of the candidate's documents. Audit reports are then submitted to the Enforcement Division for further review.

A. Overview

The audit reports prepared by the FPPC summarize findings with respect to the filer's conformity with the disclosure and recordkeeping requirements of the Political Reform Act. Copies of audit reports are always sent to the auditees and those included in the audit report (such as the prior treasurer, current treasurer and/or their representatives). These reports are public documents.

B. Current Period Updates

During the period of January 1, 2023, through January 31, 2023, the Audits and Assistance Division adopted 1 audit report with findings. Currently the team has 25 audits in progress at various stages, including fieldwork, post-fieldwork, and quality review.

Details of the audit report adopted during the period are as follows:

- **Marc Steinorth for Supervisor 2018 (ID #1403646)**

Findings noted:

1. Form 410 Statement of Organization did not include the name of the financial institution where the Committee maintained the campaign bank account and the account number.
2. Five Form 460 Campaign Disclosure Statements were not filed for the reporting periods covering from July 1, 2018 through December 31, 2019.
3. Contributions received from seven contributors as reported on the filed campaign statements exceeded the contribution limit by \$240,053.
4. Contributions received from the Assembly 2018 Committee and Assembly 2016 Committee were attributed on the filed campaign statements, funds were attributed to nonmonetary contributions totaling \$180,188 when they had no monetary value.
5. For the funds transferred with attribution from the Assembly 2018 Committee to the Marc Steinorth for Supervisor 2018 committee, attribution was not reported for 62 contributors for contributions totaling \$106,902.

6. For the funds transferred with attribution from the Assembly 2016 Committee to the Marc Steinorth for Supervisor 2018 committee, attribution was not reported for 102 contributors for contributions totaling \$148,225.
7. On March 15, 2018, \$94,869 was transferred with attribution from the Assembly 2018 Committee to the Marc Steinorth for Supervisor 2018 committee, this was \$8,673 in excess of the funds available to transfer. In calculating the funds available to transfer, the debt of the Assembly 2018 Committee was not included.
8. On March 15, 2018, \$177,000 was transferred with attribution from the Assembly 2016 Committee to the Marc Steinorth for Supervisor 2018 committee, this was \$39,597 in excess of the funds available to transfer. In calculating the funds available to transfer, the debt of the Assembly 2016 Committee was not included.
9. On December 18, 2019, the Committee voided outstanding checks of the campaign bank account totaling \$17,129.72. On December 18, 2019, the balance in the campaign bank account totaling \$21,987.09 was transferred to the Lysa Ray Campaign Services account. The voided outstanding checks and the transfer of campaign funds to the Lysa Ray Campaign Services account were not reported.

III. LEGAL DIVISION

STAFF: DAVE BAINBRIDGE, GENERAL COUNSEL

A. Pending Litigation

None.

B. Outreach and Training

Webinars & Workshops

- January 5, the FPPC hosted a Statement of Economic Interests Filing Officer webinar. Political Reform Consultants, Adam Ramirez and Stephen Hernandez, presented. 24 people attended.
- January 10, the FPPC hosted a Statement of Economic Interests Filers webinar. Education and External Affairs Unit Manager, Chloe Hackert, and Political Reform Consultant, Alex Castillo, presented. 30 people attended.
- January 18, the FPPC presented a Statement of Economic Interests Filers webinar requested by CalSTRS. Political Reform Consultants, Alex Castillo and Adam Ramirez, presented. 45 people attended.
- January 23, the FPPC presented a Statement of Economic Interests Filers webinar requested by the San Diego Unified Port District. Political Reform Consultants, Katie Trumbly and Stephen Hernandez, presented. 42 people attended.
- January 24, the FPPC presented a Statement of Economic Interests Filers webinar requested by CalSTRS. Education and External Affairs Unit Manager, Chloe Hackert, and Political Reform Consultant, Katie Trumbly, presented. 31 people attended.
- January 25, the FPPC presented a Statement of Economic Interests Filers webinar requested by California Earthquake Authority. Education and External Affairs Unit Manager, Chloe Hackert, presented. 30 people attended.
- January 27, the FPPC presented a Candidate/Treasurer Getting Started workshop requested by Hispanas Organized for Political Equality (HOPE). Education and External Affairs Unit Manager, Chloe Hackert, presented. 29 people attended.

Scheduled Webinars & Workshops

- February 9, the FPPC is hosting a Statement of Economic Interests Filing Officer webinar.
- February 23, the FPPC is hosting a Statement of Economic Interests Filers webinar.
- February 28, the FPPC is hosting a Behested Payments webinar.

Video Tutorials

Commission video tutorials were accessed a total of 486 times in January. Form 700 videos were accessed 309 times, the Candidate/Treasurer video was accessed 80 times, and the filing officer videos were accessed 97 times.

C. New and Updated Educational Resources

- Updated forms permitting digital signatures: <https://fppc.ca.gov/forms.html>
- Section 84308 factsheet: https://fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Documents/Changes_to_Section_84308_Final.pdf

D. Political Reform Education Program (PREP)

During the period of January 1, 2023 through January 31, 2023, PREP received 6 referrals for the Statement of Economic Interests course. During this time, 5 learners completed PREP, and 10 learners are enrolled but have not yet completed the course.

E. Advice

The [January Advice Report](https://www.fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports/2023-advice-letter-reports.html) is available on the FPPC website at <https://www.fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports/2023-advice-letter-reports.html>.

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

- **Education:** The Education unit responded to 641 requests for technical assistance via telephone.
- **Requests for Advice:** Political Reform Consultants and Legal Division attorneys collectively responded to 752 email requests for advice, 134 of which were not responded to within 24 hours.
- **Advice Letters:** The Legal Division received 10 advice letter requests under the Political Reform Act and completed 5.
- **Section 1090 Letters:** The Legal Division received 7 advice letter request concerning Section 1090 and completed 5. This year to date, we have received 7 advice requests regarding Section 1090.

F. Miscellaneous Decisions

Regulation 18740 provides that an official or candidate is not required to disclose the name of a source of income on their Statement of Economic Interest if disclosure would violate California or Federal law. The following exemption was approved in January:

- Eli Makus, Consultant, CalPERS, is exempt from disclosing as sources of income certain clients of his law firm, Van Dermyden Makus Law Corporation.

G. Upcoming Regulation Projects

March

- Return of over-the-limit contributions - Update regulation concerning returning over-the-limit contributions due to passage of SB 794. (Pre-notice)

April

- Advertising disclosure rules - Update regulations concerning advertising disclosure rules due to passage of SB 1360. (Pre-notice)
- Administrative subpoenas – Update Regulation 18361.1, including specifying voluntary compliance efforts required before issuing a subpoena. (Pre-notice)
- Levine Act - Update regulations interpreting and implementing Section 84308 due to passage of SB 1439. (Adoption)

May

- Return of over-the-limit contributions - Update regulation concerning returning over-the-limit contributions due to passage of SB 794. (Adoption)

H. Conflict of Interest Codes

Adoptions and Amendments

State Agencies

- CA Institute of Regenerative Medicine
- CA State Library
- Citizens Redistricting Commission
- Government Operations Agency

Multi-County Agencies

- 375 Beale Corporation
- ABAG Publicly Owned Resources
- Allan Hancock Community College District
- Association of Bay Area Governments
- Atwell Island Water District
- Beta Healthcare Group Risk Management
- Central CA Alliance for Health
- Dublin San Ramon Services District
- East Bay Schools Insurance Group
- Kern Tulare Water District
- Madera-Chowchilla Water & Power Authority

- Marin Clean Energy
- Marin County Office of Education
- Metropolitan Transportation Commission
- Midpeninsula Regional Open Space District
- San Bernardino Community College District
- Schools Insurance Group Northern Alliance II
- Sierra Joint Community College District
- West Kern Water District

Exemptions

None

Extensions

None

I. Probable Cause Proceedings

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.

In the Matter of Katrina Foley, Case No. 18/1091. On January 24, 2023, probable cause was found, after a probable cause conference on January 17, 2023, that Respondent committed the following violations of the Act:

Count 1: Failure to Accurately Report Gift on SEI

Foley failed to accurately report the value of a gift received on September 17, 2017 valued at \$760 on a 2017 Annual SEI, in violation of Government Code Section 87207.

Count 2: Failure to Timely Report Gift on SEI

Foley failed to timely report a gift received on December 31, 2017 valued at \$802 on a 2017 Annual SEI, in violation of Government Code Section 87207.

Count 3: Accepting a Gift Over the Limit

On September 17, 2017, Foley accepted a gift from the Chargers valued at \$760, exceeding the applicable gift limit by \$290, in violation of Government Code Section 89503.

Count 4: Accepting a Gift Over the Limit

On December 31, 2017, Foley accepted a gift from the Chargers valued at \$802, exceeding the applicable gift limit by \$802, in violation of Government Code Section 89503.

In the Matter of Sarabjit Bhullar, Case No. 2019-00863. On January 20, 2023, probable cause was found, on the papers, that Respondent committed the following violations of the Act:

Count 1: Failure to Timely File a 2018 Annual SEI

Bhullar failed to timely file their 2018 Annual SEI by the April 2, 2019 due date, in violation of Government Code Section 87300.

Count 2: Failure to Timely File a 2020 Annual SEI

Bhullar failed to timely file their 2020 Annual SEI by the April 1, 2021 due date, in violation of Government Code Section 87300.

IV. ADMINISTRATION & TECHNOLOGY DIVISION

STAFF: LORESSA HON, CHIEF

A. New Employee Report

No new staff to report.

B. Statement of Economic Interest (Form 700)

As of February 1, 2023, 158 persons who were required under their state or local agency conflict of interest code to file a 2021/2022 Annual Form 700 had not timely done so.