



EXECUTIVE STAFF REPORTS

November 21, 2024, Commission Hearing

EXECUTIVE STAFF REPORTS	1
I. ENFORCEMENT DIVISION	2
A. Overview	2
B. Annual Statistics	3
C. 2022-2023 Quarterly Caseload Summary	4
D. Presentations	4
E. Unexecuted Streamline Stipulations	4
II. AUDIT DIVISION	7
A. Overview	7
B. Current Period Updates	7
III. LEGAL DIVISION	8
A. Pending Litigation	8
B. Outreach and Training	8
C. New and Updated Educational Resources	8
D. Political Reform Education Program (PREP):	9
E. Advice	9
F. Miscellaneous Decisions	10
G. Upcoming Regulation Projects	10
H. Conflict of Interest Codes	10
I. Probable Cause Proceedings	10
IV. ADMINISTRATION & TECHNOLOGY DIVISION	11
A. New Employee Report	11
B. Hiring Process	11
C. Statement of Economic Interest (SEI, Form 700)	11
D. Collection/Revenue	12
E. Information Technology	13

I. ENFORCEMENT DIVISION

STAFF: JAMES M. LINDSAY, CHIEF OF ENFORCEMENT

A. Overview

During the period of October 1, 2024, through October 31, 2024, the Enforcement Division received the following complaints and referrals:

	Sworn	Non-Sworn	Anonymous	Referrals
Number Received	148	41	259	126

The number of complaints received by the Enforcement Division increased significantly in October while the number of referrals was similar to previous months in 2024.

For the month of October, more time to respond beyond the 14-day statutory period was needed for approximately 27¹ sworn complaints. Generally, additional time to respond was utilized in order to give respondents more time to respond to inquiries when it was requested.

Additionally, for the month of October, the Enforcement Division opened 182 cases, rejected 249 complaints and referrals, and closed a total of 121 cases including:

- 70 warning letters – advertisement violations (7), campaign violations (12), and statement of economic interests violations (51);
- 19 no action closure letters: PREP completed – statement of economic interests violations;
- 7 no action closure letters alleging – campaign violations (2), conflict of interests violations (1), and statement of economic interests violations (4);
- 15 approved stipulations from the September Commission meeting;
- 1 advisory letter;
- 7 committees were administratively terminated;
- 2 cases closed as a duplicates.

The Division had a total of 863 cases in various stages of resolution at the time of the September Monthly Report and currently has approximately 926 cases in various stages of resolution, including the 5 streamline cases, 10 mainline cases, and 2 default cases before the Commission as listed in the October Agenda. Net case openings since the last monthly report totaled 63.

¹ This figure includes 1 sworn complaints received in September 2024.

B. Annual Statistics

The following is a chart that details the annual statistics for enforcement complaints, referrals and cases over the past five years. The statistics show a marked increase in complaints during election years while referrals have generally increased gradually over time.

	Year	2019	2020	2021	2022	2023
1	Complaints Received	744	1,390	606	1,379	653
2	Referrals Received	1,950	1,518	1,751	1,724	1,971
3	Total Complaint and Referrals Received	2,694	2,908	2,357	3,103	2,624
4	Cases opened	1,820	1,155	1,185	990	831
5	Cases closed ³	1,465	1,526	1,058	1,075	1,295
6	Cases with penalties ²	343	278	269	161	98
	a Streamline cases	263	194	234	142	79
	b Mainline cases	73	77	32	14	17
	c Default cases	7	7	3	5	2
7	Total fines imposed	\$797,384	\$1,940,107	\$472,248	\$617,548	\$376,531
8	Warning letters issued	584	777	475	681	813
9	Administrative terminations	104	62	59	53	87
10	Cases closed with violations found ³	1,031	1,117	803	895	998
11	Advisory letters issued	9	7	16	8	15
12	No action closure letters	423	402	237	217	296
	a PREP Completed	--	--	--	39	86

² Total for lines 6a, 6b, and 6c.

³ 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. 2022-2023 Quarterly Caseload Summary

The following is a chart that compares the number of cases from given years at the end of each quarter during 2023. Enforcement has successfully focused on the resolution of older cases.

	September 2023	December 2023	March 2024	June 2024	September 2024	Difference in Existing Caseload Overall
2017	2	1	0	0	0	-2
2018	34	21	12	8	8	-26
2019	69	39	23	22	21	-48
2020	201	153	118	103	84	-117
2021	232	167	148	124	105	-127
2022	307	248	213	191	165	-142
2023	295	323	276	260	236	-59

D. Presentations

None

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.

Advertisements

[In the Matter of MH Voters for Public Health & Safety and Doug Chloupek; FPPC No. 21/363.](#) Staff: Alex Rose, Senior Commission Counsel. Respondents are represented by James Anthony of Anthony Law Group. MH Voters for Public Health & Safety was a primarily formed ballot measure committee in support of a cannabis measure that never appeared in the November 3, 2020 General Election. Doug Chloupek was the Committee's treasurer. The Committee and Chloupek failed to timely file two semi-annual campaign statements, in violation of Government

Code Section 84200 (2 counts), a 24-Hour Report, in violation of Government Code Section 84204 (1 count); failed to include the proper advertisement disclosures on a mass mailing, in violation of Government Code Section 84506.5 (1 count); and failed to timely report contributor's information for a \$20,000 contribution received during the reporting period ending on June 30, 2020, in violation of Government Code Section 84211 (1 count). Chief discretion was used in this matter to include count 4 in Tier One. **Total Penalty: \$3,178 (Tiers One and Two).**

Campaign Late Filer/Reporter

In the Matter of Rialto Professional Firefighters Local 3688 PAC, Dustin Fujiwara and Hector Ter-Veen; FPPC No. 19/985.

Staff: Marissa Corona, Senior Commission Counsel.

Rialto Professional Firefighters Local 3688 PAC is a local general purpose committee. Dustin Fujiwara and Hector Ter-Veen served as the Committee's treasurers. The Committee, Fujiwara, and Ter-Veen failed to timely file two semi-annual campaign statements, in violation of Government Code Section 84200 (2 counts) and two pre-election campaign statements, in violation of Government Code Sections 84200.5 and 84200.8 (2 counts). The Committee, Fujiwara, and Ter-Veen also failed to timely report contributions on three semi-annual campaign statements and two pre-election statements and failed to timely report expenditures on one pre-election campaign statement, in violation of Government Code Section 84211 (6 counts). Certain violations are eligible for a Warning Letter and are included in the streamline stipulation as a \$0 penalty. **Total Penalty: \$2,680 (Tiers One and Two).**

In the Matter of Black Los Angeles Young Democrats and Bailey Swain; FPPC No. 20/508.

Staff: Jonathan Rivera, Commission Counsel. Black Los Angeles Young Democrats is a local general purpose committee. Bailey Swain serves as the Committee's treasurer. The Committee and Swain failed to timely file a Statement of Organization, in violation of Government Code Section 84101 (1 count); eight semi-annual campaign statements, in violation of Government Code Section 84200 (8 counts); and one 24-Hour Report, in violation of Government Code Section 84203 (1 count). Certain violations are eligible for a Warning Letter are included in the streamline stipulation as a \$0 penalty. Chief discretion was used in this matter to include counts 1-6 in Tier One. **Total Penalty: \$2,546 (Tier One).**

In the Matter of Nadia Renner for Board of Supervisors 2022, Nadia Renner, and Yila Renner; FPPC No. 23/364.

Staff: James M. Lindsay, Chief of Enforcement and Tara Stock, Intake Manager. Nadia Renner was an unsuccessful candidate for San Bernardino County Supervisor in the June 7, 2022 Primary Election. Nadia Renner for Board of Supervisors 2022 was Renner's candidate-controlled committee. Yila Renner served as the Committee's treasurer. The Committee, Nadia Renner, and Yila Renner failed to timely file a pre-election campaign statement, in violation of Government Code Section 84200.5 (1 count), and failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (2 counts). **Total Penalty: \$1,388 (Tiers One and Two).**

Statement of Economic Interests Late Filer

In the Matter of Nica Knite; FPPC No. 19/1258. Staff: Vanessa L. Jimmy, Commission Counsel. Nica Knite, a Board Member for the Pine Valley Community Planning Group, failed to timely file the 2018, 2019, 2020, 2021, and 2022 Annual Statements of Economic Interests, in violation of Government Code Section 87300 (5 counts). **Total Penalty: \$3,000 (Tier One).**

Gifts Over-the-Limit

In the Matter of Irma Raquel Munoz; FPPC No. 21/758. Staff: Jonathan Rivera, Commission Counsel. Munoz, a member of the Santa Monica Mountain Conservancy and Advisory Committee, accepted a gift which exceeded the applicable gift limit, in violation of Government Code Section 89503 (1 count). Chief Discretion was used in this matter to include count 1 in Tier One. **Total Penalty: \$400 (Tier One).**

II. AUDIT DIVISION

STAFF: SHRDHA SHAH, CHIEF OF AUDITS

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 October 1, 2024, to October 31, 2024, no audit reports were adopted by the Audits and Assistance Division. Currently, the team has 31 audits in progress at various stages, including fieldwork, post-fieldwork, and quality review.

III. LEGAL DIVISION

STAFF: DAVE BAINBRIDGE, GENERAL COUNSEL

A. Pending Litigation

Young v. West, Sacramento Superior Court, Case No. 24WM000132. James Young, a Water Resource Control Engineer with the State Water Resources Control Board (“Board”), appealed to the FPPC the Board’s decision not to amend the Board’s conflict of interest code to remove Mr. Young’s position from the list of designated employees required to file a Statement of Economic Interests. Executive Director West, acting on behalf of the FPPC, denied that appeal based on evidence submitted that Mr. Young’s position made or participated in governmental decisions. On September 23, 2024, Mr. Young filed a writ petition challenging the FPPC’s denial of his appeal. The FPPC filed a responsive pleading on October 9, 2024.

B. Outreach and Training

Webinars & Workshops

- October 9, General Counsel Dave Bainbridge made a presentation about the FPPC and Section 84308 at the CA District Attorneys Association - Rural Counties Conference. Approximately 40 people attended.
- October 10, the FPPC presented a Completing Campaign Forms 460 & 497 webinar. Political Reform Consultants, Alexandra Castillo and Adam Ramirez, presented. 54 people attended.
- October 15, the FPPC presented a Candidate/Treasurer webinar. Political Reform Consultants, Adam Ramirez and Stephen Hernandez, presented. 38 people attended.

Scheduled Webinars

- November 13, the FPPC is presenting a Campaign Filing Officer – After the Election webinar.
- November 20, the FPPC is presenting a Candidate/Treasurer – After the Election webinar.

Video Tutorials: Commission video tutorials were accessed a total of 506 times in August. Form 700 videos were accessed 255 times, the Candidate/Treasurer video was accessed 184 times, and the filing officer videos were accessed 67 times.

C. New and Updated Educational Resources

None

D. Political Reform Education Program (PREP):

- Statement of Economic Interests Course: PREP received 11 referrals in October. During this time, 22 learners completed PREP, 4 learners failed to complete PREP, and 40 learners are enrolled but have not yet completed the course.
- Campaign Course for Local Candidates and Candidate-Controlled Committees: PREP received 5 referrals in October. During this time, 3 learners completed PREP, and 5 learners are enrolled but have not yet completed the course.
- Campaign Course for State Candidates and Candidate-Controlled Committees: 1 learner is enrolled but has not yet completed the course.

Pre-election Campaign Reporting Compliance

Leading up to the November General Election, PREP staff conducted pre-election campaign reporting compliance efforts. In advance of the filing deadlines, staff contacted local filing officers for each county and city with a population of 100,000 or more and requested they provide a list of any candidates who had failed to file pre-election campaign statements. Staff then contacted those candidates who had failed to timely file, educated them on their filing obligations, and encouraged them to file. Candidates who failed to file in response to contacts from PREP staff were transferred to Enforcement staff.

Overall, the PREP unit received 249 pre-election referrals. Of those, 233 candidates came into compliance after being referred to PREP without having to be transferred to Enforcement. Of the 16 candidates transferred to Enforcement, 11 filed after being contacted by Enforcement staff and 2 were not required to file as they were not official candidates on the ballot, bringing the total filing compliance rate to 99%.

E. Advice

The [October Advice Letter Report](https://www.fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports/2024-advice-letter-reports.html) is available on the FPPC website at <https://www.fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports/2024-advice-letter-reports.html>.

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

- **Telephone:** The Education unit responded to 894 requests for technical assistance via telephone.
- **Email Advice:** Political Reform Consultants and Legal Division attorneys collectively responded to 942 email requests for advice, 295 of which were not responded to within 24 hours and 226 of those were not responded to within 48 hours.
- **PRA Advice Letters:** The Legal Division received 12 advice letter requests under the Political Reform Act and completed 9.

- **Section 1090 Letters:** The Legal Division received 2 advice letter requests concerning Section 1090 and completed 5.

F. Miscellaneous Decisions

None

G. Upcoming Regulation Projects

January

Levine Act – Update regulations related to Government Code section 84308 in response to the passage of SB 1181 and SB 1243. (Pre-notice)

COLA - Amend various regulations to reflect biennial cost of living adjustments required by statute. (Adoption)

H. Conflict of Interest Codes

Adoptions and Amendments

State Agencies

- State Controller
- Civil Rights Department

Multi-County Agencies

- Real Journey Academies, Inc.
- Los Gatos-Saratoga Union High School District
- Connecting Waters Charter Schools

Exemptions

None

Extensions

None

I. Probable Cause Proceedings

Probable cause proceedings are conducted per Government Code section 83115.5. A finding of probable cause exists when the evidence supports a reasonable belief or strong suspicion that a violation occurred, but does not constitute a finding a violation occurred. Respondents are presumed innocent of any violation of the Act until a violation is proven in a subsequent proceeding.

None

IV. ADMINISTRATION & TECHNOLOGY DIVISION

STAFF: JUE WANG, PhD, CHIEF OF ADMINISTRATION

A. New Employee Report

Legal Division

Andrea Spiller Hernandez, Staff Services Analyst
Simon Russell, Attorney, FPPC Counsel

Administration Division

Kate Sveinson, Staff Services Analyst
Bryan Hoang, Information Technology Associate

B. Hiring Process

Enforcement Division

Attorney
Political Reform Consultant

Legal Division

Staff Services Manager I

Executive Division

Staff Services Analyst/Associate Governmental Program Analyst, Commission Assistant
Information Officer, Communications Director

C. Statement of Economic Interest (SEI, Form 700)

April 2 Filing Status

As of November 5, 2024, 15,699 2023 annual statements, representing approximately 98.7% of the total, have been received and processed. There are 212 non-filers. SEI staff is currently working on Enforcement referrals for all the non-filers.

Entity	Total	Filed	Not Filed
Cities A - M	3583	3532	51
Cities N - Z	2676	2609	67
Counties	831	816	15
Keenan	17	17	0
Legislative Staffers	1616	1616	0

Multi-County Agencies	4417	4360	57
State Agencies	2771	2749	22
Total	15911	15699	212
		98.7%	1.3%

Among 15,699 statements, 53% were filed through FPPC’s E-filing system, 31% were filed through the Local E-Filing system, and 16% were filed on paper.

Entity	Filed	FPPC E-Filing System	Local E-Filing System	Paper Filing
Cities A - M	3532	1199	1497	836
Cities N - Z	2609	652	1501	456
Counties	816	100	520	196
Keenan	17	17	0	0
Legislative Staffers	1616	1584	0	32
Multi-County Agencies	4360	3231	390	739
State Agencies	2749	1516	961	272
Total	15699	8299	4869	2531
		53%	31%	16%

SEI Unit October Summary

- Referred 81 cases to the Enforcement
- Issued 58 fine letters
- Issued 267 Non-filer letters and 91 Amendment letters
- Processed 1396 Form 462
- Responded 1168 emails from form700@fppc.ca.gov
- Re-certified 8 existing local e-filing systems and approved 1 new local e-filing systems

D. Collection/Revenue

July 2024 – October 2024 Report of Collection				
Category	Check	Credit Card	FTB Offset	Total
SEI Filing Fee	\$15,000	-	-	\$ 15,000
SEI Fine	\$ 1,900	\$ 3,700	\$ 351	\$ 5,951
PREP	\$ 201.50	\$ 4,850	-	\$ 5,051.50
Enforcement Collection	\$ 300	\$ -1,397	\$ 1,261.21	\$ 164.21
Enforcement Stipulations	\$ 101,921	\$ 86,796.92	-	\$ 188,717.92
Reimbursement	\$ 55,853.78	-	-	\$ 55,853.78
Total	\$ 175,176.28	\$ 93,949.92	\$1,612.21	\$ 270,738.41

E. Information Technology

The FPPC IT unit is working on the website replacement project, with the new website expected to be completed by July 2024. On November 1, 2024, a survey for external stakeholders was sent out as part of a public outreach effort to understand better how people use and feel about our current website. The conclusion of that survey, as well as the recently completed interviews with several members of the FPPC staff, will be used to inform the build and design of the new website, the goal being to build a site that helps the FPPC better communicate with the public.

Here's the link to the survey "Fair Political Practices Commission - Survey for Website Visitors":
<https://forms.office.com/g/agfR9iDBy7>