



(Unapproved and subject to change)

CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION

MINUTES OF HEARING, Public Session

Thursday, June 18, 2015

CALL TO ORDER

Chair Remke called the meeting to order at 10:00 am on June 18, 2015 at the Fair Political Practices Commission, 428 J Street, Sacramento, CA 95814. Chair Remke and Commissioners Casher, Wasserman, and Wynne were present. Commissioner Eskovitz was present by teleconference.

WELCOME

1. Public Comment

Chair Remke announced the selection of Galena West as the new Chief of Enforcement and listed her accomplishments.

General Counsel Hyla P. Wagner announced the retirement plans for Regulations Coordinator Virginia Latteri-Lopez, the Chair thanked Virginia Latteri-Lopez for her service to the FPPC.

Commissioner Casher offered his condolences to the victims, families and community of Charleston, South Carolina

John Pinkney with Slovak Baron Empey Murphy & Pinkney addressed the Commission regarding due process.

2. Approval of May 2015 Commission Hearing Minutes.

Commissioner Casher requested a correction in page 7 of the May Commission Minutes.

Commissioner Wynne made a motion to approve item 2 with Commissioner Casher's requested amendment, Commissioner Casher seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke
The motion passed 5 to 0

PROPOSED CONSENT CALENDAR ITEMS 3 – 10
ENFORCEMENT MATTERS

Commissioner Wynne praised the relationships between the FPPC, the Franchise Tax Board (FTB) and the county of San Bernardino.

Commissioner Wynne made a motion to approve items 3-10, Commissioner Casher seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke
The motion passed 5 to 0

Campaign Reporting

3. In the Matter of Virginia Mari Goodman, Mari Goodman for Assembly 34-2012, and Joan Slater Treasurer; FPPC No. 13/1327. Staff: Commission Counsel Zachary W. Norton and Program Specialist Soni Mangat. This matter arose out of an audit performed by the Political Reform Audit Program of the Franchise Tax Board. Virginia Mari Goodman was an unsuccessful candidate for Assembly District 34 in the November 6, 2012 General Election. Mari Goodman for Assembly 34-2012 was her candidate controlled committee and Joan Slater was the committee treasurer. Goodman, Mari Goodman for Assembly 34-2012 and Slater failed to file a preelection campaign statement covering the period January 1, 2012 through September 30, 2012, due by October 5, 2012, and a preelection campaign statement covering the period October 1, 2012 through October 20, 2012, due by October 25, 2012, in violation of Government Code Sections 84200.5, subdivision (b), and 84200.7 (1 count). **Total Proposed Penalty: \$2,500.**

4. In the Matter of Lydia Salazar Wibert, The People to Elect Lydia Salazar Wibert Fontana City Council 2012, and David Wibert; FPPC No. 14/861. Staff: Senior Commission Counsel Dave Bainbridge and Program Specialist Luz Bonetti. This matter resulted from an audit performed by the Political Reform Audit Program of the Franchise Tax Board. Lydia Salazar Wibert is a member of the city council for the City of Fontana. The People to Elect Lydia Salazar Wibert Fontana City Council 2012 was her candidate controlled committee and David Wibert was the committee treasurer. The audit showed a failure to disclose on campaign statements occupation and employer information for three individuals who contributed \$100 or more, in violation of Government Code Section 84211, subdivision (f) (1 count), and that cash expenditures

of \$100 or more were made, in violation of Government Code Section 84300, subdivision (b) (1 count). **Total Proposed Penalty: \$2,500.**

5. In the Matter of the Escondido Country Club Homeowners Organization PAC; FPPC No. 14/1205. Staff: Commission Counsel Milad Dalju and Special Investigator Lee Myers. The Escondido Country Club Homeowners Organization PAC failed to file a preelection campaign statement covering the period July 1, 2014 through September 30, 2014, due by October 6, 2014, and for October 1, 2014 through October 18, 2014, due by October 23, 2014, with the Escondido City Clerk, in violation of Government Code Section 84200.5, subdivision (b) (1 count). **Total Proposed Penalty: \$2,500.**

6. In the Matter of Placer Public Employees PAC and Jennifer Tisdale, Treasurer; FPPC No. 14/1345. Staff: Commission Counsel Milad Dalju and Political Reform Consultant Jeanette Turvill. Placer Public Employees PAC and its treasurer, Jennifer Tisdale, failed to file a semiannual campaign statement covering the period January 1, 2014 through June 30, 2014, due by July 31, 2014, with the Placer County Clerk, in violation of Government Code Section 84200, subdivision (a) (1 count). **Total Proposed Penalty: \$400.**

7. In the Matter of Mark Orozco; FPPC No. 14/1297. Staff: Political Reform Consultant Jeanette Turvill. Mark Orozco, a successful candidate for Beaumont City Council, failed to timely file a preelection campaign statement covering the period January 1, 2014 through September 30, 2014, due by October 6, 2014, and for October 1, 2014 through October 18, 2014, due by October 23, 2014, with the Beaumont City Clerk, in violation of Government Code Section 84200.5 (2 counts). **Total Proposed Penalty: \$400.**

San Bernardino County

8. In the Matter of Frank Garza; FPPC No. 14/318. Staff: Commission Counsel Zachary W. Norton and Program Specialist Soni Mangat. This matter arose out of an audit performed by the Enforcement Division of the Fair Political Practices Commission, as a part of the contract with the County of San Bernardino to audit each candidate campaign committee for elected county offices. Frank Garza was an unsuccessful candidate for San Bernardino County Superintendent of Schools in the June 3, 2014 election. Garza failed to timely file a Short Form campaign statement, in violation of Government Code Section 84206, subdivision (a) (1 count). **Total Proposed Penalty: \$200.**

Statement of Economic Interests – Non-Filer

9. In the Matter of Nancy Johnson; FPPC No. 13/750. Staff: Commission Counsel Milad Dalju. Nancy Johnson, as a member of the Marin City Community Services District Board of Directors, failed to timely file her 2013 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**

10. In the Matter of Michael Craft; FPPC No. 14/1181. Staff: Political Reform Consultant Jeanette Turvill. Michael Craft, as an Assistant Department Leader for the Santa Barbara Department of Alcohol, Drug & Mental Health Services, failed to timely file his Assuming Office Statement of Economic Interests, covering the period November 11, 2012 through November 11, 2013, due December 11, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

GENERAL ITEMS 11-12

11. Amended Regulation 18404.2: Administrative Termination. Staff: General Counsel Hyla Wagner and Commission Counsel Val Joyce. Staff proposes that the Commission amend Regulation 18404.2 to expand the grounds for administratively terminating inactive recipient committees.

General Counsel Hyla P. Wagner briefed the Commission.

Commissioner Wasserman asked a clarifying question.

Chief of Enforcement Galena West answered the question.

Commissioner Casher made a motion to approve item 11, Chair Remke seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke
The motion passed 5 to 0

12. Approval of FPPC Lobbying Manual. Staff: Lynda Cassady, Division Chief, Technical Assistance.

Chief of Technical Assistant Division Lynda Cassady briefed the Commission.

Commissioner Wynne asked a question.

Chief of Technical Assistant Division Lynda Cassady answered the question.

Commissioner Wasserman praised the manual.

Commissioner Wynne made a motion to approve item 12, Commissioner Wasserman seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke
The motion passed 5 to 0

CLOSED SESSION ITEM 13

13. Administrative Adjudication (Gov. Code, § 11126(c)(3).)

The Commission will meet in closed session to deliberate on *In the Matter of Frank J. Burgess*, OAH No. 2014060674, FPPC Case No. 12/516, and to decide that matter on the record and the submitted briefs.

Chair Remke made a statement *in the Matter of Frank J Burgess*, FPPC No. 12/516, concluding that Frank J. Burgess's conduct constituted a violation of Government Code section 87100, by attempting to influence a government decision in which he had a financial interest and that the Commission will impose a \$5,000 fine. A written decision and order to follow.

EXECUTIVE STAFF REPORTS ITEM 14

The following executive staff reports were presented and submitted:

- Legislative Report. Staff: Senior Commission Counsel and Legislative Coordinator, Sukhi Brar.
- Litigation Report. Staff: General Counsel, Hyla P. Wagner
- Legal Division Report. Staff: General Counsel, Hyla P. Wagner
- Enforcement Division Report. Staff: Acting Chief of Enforcement, Galena West
- Technical Assistance Division Report. Staff: Chief of Technical Assistance Division, Lynda Cassady

Chair Remke made a motion to adjourn the meeting. Commissioner Wynne seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke
The motion passed 5 to 0

The meeting adjourned at 11:39 am.

Respectfully Submitted,
Dated:

John Kim
Commission Assistant
Approved August 20, 2015

Joann Remke, Chair
Fair Political Practices Commission