



(Approved November 21, 2019)
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
MINUTES OF HEARING, Public Session
Friday, October 18, 2019
10:00 a.m.

Present: Chair Miadich, Commissioner Cardenas, Commissioner Hatch, and
Commissioner Hayward

Staff Present: Thomas Jones, Executive Director
Dave Bainbridge, General Counsel
Brian Lau, Assistant General Counsel
Galena West, Enforcement Chief
Loressa Hon, Chief of Administration
Theresa Gilbertson, Commission Counsel
Ryan O'Connor, Commission Counsel
Kevin Cornwall, Commission Counsel
Matthew Christy, Commission Counsel
Phillip Ung, Legislative Director
Sasha Linker, Commission Assistant

A. Call to Order

Chair Miadich called the meeting to order at 10:13 a.m.

B. Public Comment for Items not on the Agenda

Scott Vaughan and Bradley Cutler both gave public comment to discuss their believed facts regarding a complaint submitted to the Enforcement Division.

C. Closed Session

Chair Miadich stated the Commission cannot accept public comment on item 20 of the agenda because the matter involves the Commission's function as a quasi-judicial body, rather than its typical role as an administrative body. In this quasi-judicial role, the Commission is limited to considering only the facts and information included in the record from the administrative hearing. He further stated that the Commission would offer the Respondent and the Complainant the opportunity

to make argument to the Commission prior to its consideration of the matter. Theresa Gilbertson, Commission Counsel, gave argument as the Complainant. Ms. Susan Shelley gave argument as the Respondent.

The Commission adjourned for closed session at 10:38 a.m. pursuant to Gov Code 11126 (c) (3) to discuss the proposed decision of the Administrative Law Judge in the matter of Susan G. Shelley, Susan Shelley for Assembly 2013, and Susan Shelley for Assembly 2014, FPPC No. 15/003, OAH No. 2019030096.

The Commission took a recess from closed session and reconvened in open session at 11:29 a.m.

D. Approval of Minutes of Prior Meeting

MOTION: Approve the September 19, 2019 meeting minutes. Moved by Commissioner Hatch, seconded by Commissioner Hayward. Motion approved 4-0.

E. Approval of Enforcement Consent Calendar.

MOTION: Motion to approve the Enforcement Consent Calendar, agenda items 3-9. Moved by Commissioner Hayward, seconded by Commissioner Hatch. Motion approved 4-0.

F. Proposed Rules for Public Participation at Commission Meetings.

MOTION: Motion to approve the updated rule for public participation. Moved by Commissioner Hatch, seconded by Commissioner Hayward. Motion approved 4-0.

G. Review of Commissioner Manual.

Pursuant to the Commission's request at the September meeting, Staff presented a copy of the proposed Commissioner Manual with staff markings indicating which provisions were mandated by statute or regulation. The Commission discussed the markings and asked the staff to continue its work in assisting the Commission in drafting the Manual.

H. Committee Updates.

Commissioner Hayward stated the Budget & Personnel Committee update is as submitted.

I. Legislative Update.

The legislative update was accepted as submitted and accepted by the Commission without a vote. The Governor signed the final four bills on which the Commission had taken a position. Staff will now begin the process of developing a 2020 legislative agenda to propose to the Commission.

J. Advice Letter Report and Commission Review.

Discussion was held on advice letter A-19-142, regarding financial aid and whether an academic scholarship given to an official's offspring would be a "gift" under the Act. The Commission asked legal staff to further research the issue and report back to the Commission. The advice letter report was then accepted as submitted, without further action by the Commission.

K. Executive Staff Reports.

The Executive Staff reports were accepted as submitted, without further action by the Commission.

L. Closed Session

The Commission adjourned to continue its closed session at 12:29 p.m. pursuant to Gov Code 11126 (c) (3) to discuss the proposed decision of the Administrative Law Judge in the matter of Susan G. Shelley, Susan Shelley for Assembly 2013, and Susan Shelley for Assembly 2014, FPPC No. 15/003, OAH No. 2019030096. The Commission reconvened from closed session at 12:39 p.m. Chair Miadich reported out from closed session the Commission voted to reduce the fine for count 1 to \$1,500, and otherwise accepts the ALJ proposed fines on counts 2-5. The Commission also voted to accept technical changes to the proposed decision.

M. Commissioner Comments and Proposed Future Agenda Items.

Commissioner Hatch stated he wanted to discuss upcoming legislation to address political parties using money to pay for harassment claims. Commissioner Hayward would like to discuss how to address foreign agents participating in domestic campaigns. Chair Miadich discussed the future need to explore how to help refine the new CARS system.

N. Adjourn

MOTION: Motion to adjourn the meeting. Moved by Commissioner Hayward, seconded by Commissioner Hatch. Motion approved 4-0.

The meeting adjourned at 12:46 p.m.

Respectfully Submitted,
Sasha Linker
Commission Assistant
Approved November 8, 2019

Richard C. Miadich, Chair
Fair Political Practices Commission