



(Approved October 17, 2024)
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
MINUTES OF HEARING, Public Session
Thursday, September 19, 2024
10:00 a.m.

Present: Chair Silver, Commissioner Baker, Commissioner Ortiz, and Commissioner Wilson

Staff Present: Galena West, Executive Director
James M. Lindsay, Chief of Enforcement
Dave Bainbridge, General Counsel
Shrdha Shah, Chief of Audits and Assistance
Jue Wang, PhD, Chief of Administration
John Feser, Senior Commission Counsel
Lindsey Nakano, Senior FPPC Legislative Counsel
Sasha Linker, Commission Assistant

Call to Order.

Chair Silver called the meeting to order at 10:02 a.m.

Chair Silver thanked everyone who made the 50th Anniversary event so great. Commissioner Baker highlighted the effort that went into the event, which was an excellent program.

1. Public Comments for items not on the agenda.

Edmond Fitzgerald, an online newspaper publisher, made a public comment to discuss a previous complaint and a public comment. Mr. Fitzgerald asked the FPPC to re-examine the criteria for the use of public funds and the definition of informational material. Chair Silver stated prosecuting violations of the misuse of state resources for campaign purposes is a priority for the agency and encouraged everyone to file a complaint if they see violations. Commissioner Baker agreed with Chair Silver and stated the Commission could do more homework on the laws in statute versus regulation in order to know the agency's regulated authority.

Stephen Petzold gave public comment to discuss committee names and the difficulty of finding campaign finance information for committees since that information is not uniform or readily available.

2. Cal-Access Replacement System (CARS).

Margie Hieter, SOS Political Reform Division Chief & CARS Project Sponsor; John Heinlein, SOS Assistant CARS Project Director; and Denise Tower, CGI Project Manager, gave an overview of the Cal-Access Replacement System's status.

Chair Silver asked how the regulated community, data viewers, and electronic filing operators are included in the process. Ms. Hieter gave an overview of how each group is represented in the project.

Chair Silver asked if the current system would still be accessible while the new system is launched since the expected 'go live' date is after the November 2026 election. Ms. Tower stated that the decision is still being discussed.

Commissioner Wilson asked if any jurisdictions are currently using the technology. Ms. Tower noted that several other jurisdictions are using the MapLight technology, and the new CARS system will incorporate that technology and customize it for California's needs.

Commissioner Ortiz asked if the new CARS system would still be accessible to the public and if it would be user-friendly. Ms. Tower stated that there would be multiple levels of access.

Commissioner Baker asked about the search options and what would happen if the system went down.

Ms. Tower stated that multiple search options would be available, and the cloud and two-system process would reduce downtime.

Chair Silver asked who the "super users" would be for training. Ms. Tower stated staff in SOS's PRD unit will be the super users.

Commissioner Wilson suggested a glossary of terms be added to the training.

Commissioner Baker asked if there were any "lessons learned" that could be shared with the agency for future programs. Mr. Heinlein stated there is a process called the Dirty Dozen, that he will share, that helps people with future projects avoid those issues. Commissioner Baker asked if the Department of Technology was not involved in the past iteration of the system build. Ms. Hieter stated they were not involved. Commissioner Baker asked how the Commissioners could help. Galena West, Executive

Director, said the most help would be to have very open and positive discussions and point questions and ideas toward the SOS.

The Commission adjourned for a break at 11:10 a.m. and reconvened at 11:17 a.m.

3. Approval of Commission Meeting Minutes.

MOTION: To approve the June 2024 minutes Moved by Commissioner Wilson, seconded by Commissioner Ortiz. The motion passed 4-0.

4-7. Consent Calendar.

Chair Silver removed item 5, In the Matter of Daniel Ramos, from the consent calendar.

Commissioner Wilson found the stipulation for item four excellent and informative.

Commissioner Baker asked why the Los Angeles Ethics Commission referred item four to us. James Lindsay, Chief of Enforcement, stated that it was out of their jurisdiction.

MOTION: To approve the consent calendar, minus item 5. Moved by Chair Silver; seconded by Commissioner Ortiz. The motion passed 4-0.

Chair Silver discussed why the Commission postponed item five In the Matter of Daniel Ramos and asked Mr. Lindsay to give an update on the activity since last month. Mr. Lindsay stated there is an addendum attached to the default packet and presented the information within that addendum.

Chair Silver stated he supports approving the default based on the information provided. Commissioner Baker stated the Commission has been more than patient and reasonable and highlighted that the fine amount has been adjusted downward. Commissioner Ortiz agreed with the disappointment with Mr. Ramos' conduct.

Commissioner Wilson asked if Mr. Ramos is personally liable for the fine. Mr. Lindsay stated that is correct as well as his committee.

Commissioner Baker asked if there could be Commission-initiated complaints for violations based on the missing July 31, 2024, report. Mr. Lindsay stated that is correct.

Commissioner Ortiz asked if there is a timeline for paying the fine. Mr. Lindsay discussed the default process if the Commission approves the default.

Daniel Ramos, Respondent, gave public comment disagreeing with statements made by Mr. Lindsay and addressed the bank account discrepancies.

Chair Silver stated he has a hard time taking Mr. Ramos' at his word after he had stated all filings were submitted but now the Commission knows that is not true. Mr. Ramos disputed that the statement was not true.

Brendan O'Brian made a public comment in support of Mr. Ramos.

Joy Jeanette made a public comment in support of Mr. Ramos.

Diana Esmerelda made a public comment stating that Mr. Ramos and the previous callers show disrespect toward the Commission and that it is just a glimmer of what happens in city council meetings.

Miguel Soto made a public comment to discuss transparency and trust.

MOTION: To approve 5, In the Matter of Daniel Ramos. Moved by Commissioner Baker; seconded by Chair Silver. The motion passed 4-0.

8-11. Pre-Notice Defaults.

Jeff Bowman publicly commented that he is pleased with the FPPC's work regarding Steve Grasha.

12. Prenotice Discussion of Amendments to Regulation 18703, Public Generally Exception to Conflict of Interest Prohibition.

John Feser, Senior Commission Counsel, presented the pre-notice regulation package.

Chair Silver thanked the Legal Division for identifying a problem and bringing a regulation to address it.

Commissioner Baker asked what happens when an airport board member votes to improve the airport but then passed the costs on to the nearby public. Ms. West stated that we do not know of any provisions that allow a board or commission to impose taxes outside their jurisdiction. Commissioner Baker asked the Legal Division to consider whether the proposed regulation is narrow enough since it is allowing participation in decisions potentially benefiting the public official.

Chair Silver disclosed an ex parte communication with Nick Sanders regarding this regulation generally.

Commissioner Wilson asked if there was an airport or harbor association or if this was specific to special districts. Mr. Feser stated this is not specific to special districts because the two advice letters discussed do not pertain to special districts. Chair Silver suggested that staff contact the jurisdictions of the two

advice requestors on whether they have feedback on the proposed regulation. Commissioner Wilson suggested that the Legal Division look into reaching out to an entity that deals with airports and harbors. Commissioner Baker suggested maybe the Bar Pilots Association (drive tankers in harbors), local municipal airports and CalCities to see if they have jurisdictions with municipal airports.

13. Legislative Update.

Lindsey Nakano, Senior FPPC Legislative Counsel, presented the current status of PRA-related bills.

Chair Silver highlighted AB 1170, which requires high-level officials to use the FPPC's electronic filing system to file their Statement of Economic Interest forms, which has numerous benefits for transparency.

The FPPC will be doing outreach to educate new filers.

Chair Silver thanked Senator Steve Glazer for his support throughout the years since he will no longer be in office after this session. Commissioners Baker, Ortiz, and Wilson joined in the thanks. Commissioner Baker expressed her desire to revisit the lobbying audits bill, the Ben Allen bill regarding travel for public officials, and, from public comment, what can we do through legislation to address the appearance of abuse of public funds for campaign mailers.

Commissioner Wilson discussed AB 2631, the bill that mandates the FPPC provide local entities' training and how he would encourage local entities to rely on the FPPC's expertise in ethics training.

Chair Silver thanked the Elections Committees for presenting the Commission with a resolution.

14. Executive Staff Reports.

The Executive Staff Reports were accepted as submitted.

Commissioner Baker asked the Enforcement Division to provide data on tolling agreements within the division, possibly during the quarterly update, if not too much of a burden. Chief Lindsay responded that this number should be minimal. Commissioner Baker asked how strict are the time deadlines for people to respond and can we make it stricter. Chief Lindsay said it is something we can shorten in the future when the FPPC attorneys have fewer cases. Commissioner Wilson asked whether the Division needs additional staffing because of the huge number of people regulated. Mr. Lindsay highlighted the division's growth over the last couple of years but stated the Enforcement Division could definitely use more staff.

Previously, the Enforcement Division had only 10 attorneys and over 1,500 cases (150 cases per attorney) and now the average is about 70 cases per attorney. It is still too many but getting better.

Chair Silver agrees that we should give credit to the previous Chair and current commissioners because they identified the issues and instituted streamline changes, used new technology to start PREP for minor violations and cleared up resources to focus on more serious violations. Chair Silver also commended the agency for its transparency to show the public that we are doing all we can to enforce the law.

Stephen Petzold gave public comment discussing a streamline settlement.

15. Commissioner Comments and Proposed Future Agenda Items.

MOTION: To Adjourn the meeting. Moved by Chair Silver; seconded by Commissioner Baker. The motion passed 4-0.

The meeting adjourned at 1:05 p.m.

Respectfully Submitted,
Sasha Linker
Commission Assistant
Approved October 7, 2024

Adam E. Silver, Chair
Fair Political Practices Commission