

News from the FPPC



California Fair Political Practices Commission
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The following are enforcement decisions approved by the Fair Political Practices Commission at its regular monthly meeting held on Thursday, December 20, 2018. Decisions are listed by category and include a brief summary of each case and the total amount of any administrative fine in each case.

Additional information on each of the enforcement cases listed below can be found in the December agenda on the FPPC website at www.fppc.ca.gov. FPPC agendas are distributed and posted on the agency website at least 10 days prior to each monthly meeting.

The web version of the agenda includes links to the stipulations agreed to between the FPPC Enforcement Division and the individuals and organizations subject to the fines, or the default decisions proposed to the Commission. Exhibits in support of the stipulations and proposed default decisions are also available on the website. If you or need further assistance, please contact the FPPC communications office at (916) 322-7761 or press@fppc.ca.gov.

Campaign Related Communications at Public Expense

In the Matter of San Francisco Bay Area Rapid Transit District (BART); FPPC No. 16/19959. Staff: Commission Counsel Ruth Yang and Special Investigator Garrett Micheels. The San Francisco Bay Area Rapid Transit District (BART) is a public transportation system that serves the San Francisco Bay Area. BART was represented by BART General Counsel Matthew Burrows. BART used YouTube videos, social media posts, and text messages to promote Measure RR, which authorized BART to issue \$3.5 billion in general obligation bonds, causing them to qualify as an independent expenditure committee. BART failed to timely file two late independent expenditure reports in the 90-day period preceding the November 8, 2016 General Election, in violation of Government Code Section 84204 (1 count); failed to timely file a semi-annual campaign statement for the period covering July 1, 2016 through December 31, 2016, in violation of Government Code Section 84200, subdivision (b) (1 count); and failed to include a proper disclosure statement in its electronic media advertisements, in violation of Government Code Section 84506, subdivision (a) (1 count). **Letter to Attorney General and Local District Attorneys asking for prosecution and Fine: \$7,500.**

Advertisements

In the Matter of Southwest Teachers Association PAC, Ben Swearingen, and Michelle Gates; FPPC No. 17/403. Staff: Senior Commission Counsel Christopher Burton. The respondents were represented by Aaron Lawrence of Reich, Adell & Cvitan. Southwest Teachers Association PAC is a county general purpose committee that engaged in political activity during the November 8, 2016 General Election. Ben Swearingen is the Committee's principal officer and Michelle Gates is the Committee's treasurer. The Committee, Swearingen, and Gates failed to timely file a preelection campaign statement for the reporting period of July 1, 2016 through October 22, 2016, in violation of Government Code Sections 84200.5, subdivision (c), and 84200.8, subdivision (b) (1 count). During that time, the committee failed to timely report four late independent expenditures on 24-hour independent expenditure reports, in violation of Section 84204 (1 count). The committee also failed to include the required "Paid for by" phrase and committee name on a billboard advertisement and failed to print a disclosure statement that met the applicable sizing requirements on a banner advertisement, in violation of Government Code Sections 84506 and 84506.5, and Regulation 18450.4 (1 count). **Fine: \$6,500.**

In the Matter of Coalition to Preserve LA, Sponsored by the AIDS Healthcare Foundation, Yes on S, Michael Weinstein, Peter Reis, and Gerard Kenslea; FPPC No. 17/0088. Staff: Commission Counsel Theresa Gilbertson and Special Investigator Garrett Micheels. Coalition to Preserve LA, sponsored by the AIDS Healthcare Foundation, Yes on S, was a primarily formed ballot measure committee created to support Measure S, which appeared on the ballot in the March 7, 2017 Special Election. Michael Weinstein, Peter Reis, and Gerard Kenslea served as the Committee's principal officers. The Committee, Weinstein, Reis, and Kenslea failed to print "Paid for by" and disclose the name of the Committee on a billboard advertisement, in violation of Government Code Section 84504, subdivision (c) (1 count). **Fine: \$2,500.**

In the Matter of San Bernardino Residents for Responsible Local Government, a Committee Opposing Valdivia for Mayor 2018, and Corey Addison; FPPC No. 18/321. Staff: Senior Commission Counsel Christopher Burton, Special Investigator Lance Hachigian, and Law Clerk Kirin Jessel. San Bernardino Residents for Responsible Local Government, a Committee Opposing Valdivia for Mayor 2018 is a primarily formed committee created to oppose John Valdivia, a candidate for Mayor of San Bernardino in the June 5, 2018 Primary and November 6, 2018 General Election. Corey Addison is the Committee's principal officer. The Committee and Addison paid for mailer advertisements that did not include the correct name of the Committee, required "Paid for by" phrase, or disclosure that the mailer was not authorized by a candidate or candidate-controlled committee; and failed to place the disclosures in a printed or drawn box, in violation of Government Code Sections 84502, 84504.2, subdivision (a), and 84506.5 (1 count). **Fine: \$2,500.**

Campaign Non-Filer

In the Matter of Los Angeles League of Conservation Voters; FPPC No. 16/19925. Staff: Commission Counsel Ruth Yang and Special Investigator Roone Petersen. Los Angeles League of Conservation Voters is a county general purpose committee. The Committee failed to timely file two pre-election campaign statements for the reporting periods of January 1, 2016 through October 22, 2016, in violation of Government Code Section 84200.5, subdivision (c) (2 counts); and three semi-annual campaign statements for the reporting periods of May 22, 2016 through June 30, 2017, in violation of Government Code section 84200, subdivision (a) (1 count). The

committee also failed to timely file twenty 24-hour contribution reports, in violation of Government Code Section 84203 (3 counts). **Fine: \$13,500.**

In the Matter of Californians for Better Jobs and Education, Paul Fickas, and Rita Copeland; FPPC Case No. 18/1253. Staff: Senior Commission Counsel Neal Bucknell, Special Investigator George Aradi, and Program Specialist Patricia Ballantyne. The respondents were represented by Marcus Allen Frishman. Californians for Better Jobs and Education is a state general-purpose committee. Paul Fickas is the principal officer and Rita Copeland is the committee's treasurer. The Committee, Fickas and Copeland failed to timely file two 24-hour contribution reports regarding the making of non-monetary contributions that improperly were reported as independent expenditures, in violation of Government Code Section 84203, subdivisions (a) and (b) (1 count) and improperly reported those non-monetary contributions as independent expenditures on a pre-election campaign statement for the reporting period of July 1, 2013 through October 19, 2013, in violation of Government Code Section 84211, subdivisions (b), (i), and (k) (1 count). Additionally, in October 2013 and 2014, the committee, Fickas and Copeland failed to timely file eleven 24-hour independent expenditure reports, in violation of Government Code Section 84204 (2 counts). **Fine: \$7,000.**

In the Matter of Campaign to Elect Jim Gallagher to Chino Hills City Council 2016, James Gallagher, and Kathryn A. Gallagher; FPPC No. 17/20079 (Streamline Settlement). Staff: Senior Commission Counsel Christopher Burton and Special Investigator Marshall Miller. Jim Gallagher was an unsuccessful candidate for Chino Hills City Council, in the November 8, 2016 General Election. Campaign to Elect Jim Gallagher to Chino Hills City Council 2016 was his candidate controlled committee. Kathryn A. Gallagher was the committee's treasurer. The Committee, James Gallagher, and Kathryn A. Gallagher failed to timely file seven 24-hour contribution reports, in violation of Section 84203 (7 counts). The committee also failed to timely report expenditures on two preelection, and two semiannual campaign statements, in violation of Government Code Section 84211, subdivisions (b), (i), (j), and (k) (4 counts). **Fine: \$2,656.**

In the Matter of Ramona Landeros for School Board 2016, Ramona Landeros, and Cesar Garcia; FPPC No. 16/19700 (Streamline Settlement). Staff: Commission Counsel Ruth Yang. Ramona Landeros was a successful candidate for the Twin Rivers Unified School District Board of Trustees. Ramona Landeros for School Board 2016 was her candidate-controlled committee. Cesar Garcia was committee's treasurer. The Committee and Landeros failed to timely file a pre-election campaign statement for the reporting period of January 1, 2016 through May 21, 2016, in violation of Government Code Section 84200.5 (1 count) and two semi-annual campaign statements for the reporting periods of May 22, 2016 through June 30, 2016 and July 1, 2016 through December 31, 2016, in violation of Government Code Section 84200 (2 counts). **Fine: \$2,433.**

In the Matter of George Ting for El Camino Healthcare District Election Committee 2018 and George Ting; FPPC No. 18/1195 (Streamline Settlement). Staff: Senior Commission Counsel Angela Brereton and Special Investigator Lance Hachigian. Dr. George Ting was a successful candidate for the El Camino Healthcare District Board of Directors in the November 6, 2018 General Election. George Ting for El Camino Healthcare District Election Committee 2018 is his candidate-controlled committee. The Committee and Ting failed to timely file one Form 470 Supplemental campaign statement, in violation of Government Code Section 84206 (1

count); and seven 24-hour contribution reports, in violation of Government Code Section 84203 (7 counts). **Fine: \$2,069.**

In the Matter of Alton Wright for Supervisor 2018 and Alton Wright; FPPC No. 18/302 (Streamline Settlement). Staff: Senior Commission Counsel Bridgette Castillo and Special Investigator Roone Peterson. Wright was a successful candidate for Yuba County Board of Supervisors in the June 5, 2018 Primary Election, but unsuccessful in the November 6, 2018 General Election. Alton Wright for Supervisor 2018 was his candidate-controlled committee. The Committee and Wright failed to timely file three 24-hour contribution reports, in violation of Government Code Section 84203 (3 counts), and failed to timely and properly disclose the required occupation, employer and street addresses on a pre-election campaign statement for the reporting period of January 1, 2018, through April 21, 2018, in violation of Government Code Section 84211 (1 count). **Fine: \$890**

In the Matter of Steve Fox for Assembly 2016, Steve G. Fox, and Sharon Fox; FPPC No. 18/763 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. Steve G. Fox was an unsuccessful candidate for Assembly in the November 8, 2016 General Election. Steve Fox for Assembly 2016 was his candidate-controlled committee. Sharon Fox was the Committee's treasurer. The Committee, Steve G. Fox, and Sharon Fox failed to report contributions received on campaign statements for the reporting periods of July 1, 2015 through September 24, 2016, and failed to report expenditures made on campaign statements for the reporting periods of July 1, 2016 through October 22, 2016, in violation of Government Code Section 84211 (2 counts). **Fine: \$694.**

In the Matter of Francisco R. Garcia for Twin Rivers School Board Area #7, Francisco R. Garcia, and Margie Cisneros-Garcia, FPPC No. 16/595 (Streamline Settlement). Staff: Commission Counsel Theresa Gilbertson and Associate Governmental Program Analyst Dominika Wojenska. Francisco Garcia was an unsuccessful candidate for Twin Rivers School Board Area #7, in the June 7, 2016 General Election. Margie Cisneros-Garcia served as the committee's treasurer. The Committee, Garcia, and Cisneros-Garcia failed to timely file a pre-election campaign statement for the reporting period of April 24, 2016 through May 21, 2016, in violation of Government Code Section 84200.5 (1 count). **Fine: \$874.**

In the Matter of Santa Clara Police Association Political Action Committee, Frank Saunders, and Earl Amos; FPPC No. 16/20114 (Streamline Settlement). Staff: Senior Commission Counsel Christopher Burton and Special Investigator Jay Martin. The respondents were represented by Bianca Pirayou. Santa Clara Police Association Political Action Committee is a county general purpose committee. Earl Amos is the committee's principle officer and Frank Saunders is the committee's treasurer. The Committee, Saunders, and Amos failed to timely file a semiannual campaign statement for the reporting period of January 1, 2016 through June 30, 2016, in violation of Government Code Section 84200, subdivision (a) (1 count); and a 24-hour independent expenditure report for a late independent expenditure received on October 19, 2016, in violation of Government Code Section 84204 (1 count). **Fine: \$478.**

In the Matter of Friends of DeLuz for Natomas School Board 2016 and David DeLuz; FPPC No. 17/183 (Streamline Settlement). Staff: Commission Council Ruth Yang. David DeLuz was an unsuccessful candidate for the Natomas Unified School District Board of Trustees, in the November 8, 2016 election. Friends of DeLuz for Natomas School Board 2016 was his candidate-controlled committee. The Committee and DeLuz failed to timely file two semi-annual campaign statements for the reporting period of October 23, 2016 through December 31, 2016 and January 1, 2017 through June 30, 2017, in violation of Government Code Section 84200 (2 counts). **Fine: \$414.**

In the Matter of Theresa Keng for Fremont City Council District 1, Teresa Keng, and Robert Keng; FPPC No. 18/864 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Teresa Keng was a successful candidate for Councilmember of Fremont in the November 6, 2018 General Election. Teresa Keng for Fremont City Council District 1 is her candidate controlled committee. Robert Keng is the committee's treasurer. The Committee, Teresa Keng and Robert Keng, failed to timely file a pre-election campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Fine: \$395.**

In the Matter of Elect Stephanie Houston for San Bernardino Community College District Area 6 2018 and Stephanie Houston; FPPC No. 18/1020 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Stephanie Houston was a successful candidate for Trustee of the San Bernardino Community College District in the November 6, 2018 General Election. Elect Stephanie Houston for San Bernardino Community College District Area 6 2018 was her candidate controlled committee. The Committee and Houston failed to timely file a pre-election campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Fine: \$250.**

In the Matter of Cesar Lara for SVMH Board, Cesar Lara, and Patricia Lara; FPPC No. 18/819 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Cesar Lara was an unsuccessful candidate for Salinas Valley Memorial Hospital Board Member in the November 6, 2018 General Election. Cesar Lara for SVMH Board was his candidate controlled committee. Patricia Lara was the committee's treasurer. The Committee, Lara, and Lara failed to timely file one 24-hour contribution report, in violation of Government Code Section 84203 (1 count). **Fine: \$250.**

In the Matter of the People to Elect Ron Hanover for Sheriff 2018, Ron Hanover, and Virginia Breeden Fritch; FPPC No. 18/825 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Ron Hanover was an unsuccessful candidate for Sheriff of Trinity County in the November 6, 2018 General Election. The People to Elect Ron Hanover for Sheriff 2018 was his candidate-controlled committee. Virginia Breeden was the Committee's treasurer. The Committee, Hanover, and Breeden failed to timely file a pre-election campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Fine: \$223.**

In the Matter of Brandon A. Wood 4 Trustee 2014, Brandon A. Wood, and William S. Wood; FPPC No. 18/888 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Brandon A. Wood was a successful candidate for the Victor Valley Community College Board of Trustees in the November 6, 2018 General

Election. Brandon A. Wood for Trustee 2014 was his candidate-controlled committee. William S. Wood was the committee's treasurer. The Committee, Brandon Wood, and William Wood failed to timely file a pre-election campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Fine: \$217.**

In the Matter of Paul Anthony Courtney; FPPC No. 18/1107 (Streamline Settlement). Staff: Commission Counsel Theresa Gilbertson. Paul Anthony Courtney qualified as an independent expenditure committee, having spent over \$1,000 in independent expenditures opposing Measure Q for the City of Barstow, a local ballot measure during the November 6, 2018 General Election. Courtney failed to timely file a 24-hour independent expenditure report, in violation of Government Code Section 84204 (1 count.) **Fine: \$215.**

In the Matter of Elect Tami Moore for Oak Grove School District Board 2018 and Tami C. Moore; FPPC No. 18/1219 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Tami C. Moore was an unsuccessful candidate for Board Member of the Oak Grove School District in the November 6, 2018 General Election. Elect Tami Moore for Oak Grove School District Board 2018 is her candidate-controlled committee. The Committee and Moore failed to timely file a pre-election campaign statement for the reporting period of September 23, 2018 through October 20, 2018, in violation of Government Code Section 84200.5 (1 count). **Fine: \$212.**

In the Matter of Kumar for Council 2018, Rishi Kumar, Surya Hotha, and Seema Kumar; FPPC No. 18/1103. Staff: Commission Counsel Ruth Yang. Rishi Kumar was a successful candidate for Saratoga City Council. Kumar for Council 2018 is his candidate-controlled committee. Surya Hotha is the committee's treasurer, and Seema Kumar is the committee's principal officer. The Committee, R. Kumar, Hotha, and S. Kumar failed to timely file a 24-hour contribution report, in violation of Government Code Section 84203 (1 count). **Fine: \$210.**

Campaign Non-Reporter

In the Matter of Safe and Clean Neighborhoods for Kids – Yes on B and Christina Gilbert; FPPC No. 18/1083 (Streamline Settlement). Staff: Commission Counsel Theresa Gilbertson and Special Investigator Roone Petersen. Safe and Clean Neighborhoods for Kids – Yes on B is a local primarily formed committee, which appeared on the ballot in the November 6, 2018 General Election in San Joaquin County. Christina Gilbert was the committee's treasurer. The Committee and Gilbert failed to timely report a contribution on a pre-election campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84211 (1 count). **Fine: \$216.**

Statement of Economic Interest Non-Filer

In the Matter of Jose Luis Rocha; FPPC Case No. 17/907 (Streamline Settlement). Staff: Commission Counsel Michael W. Hamilton. Jose Luis Rocha, alternate member of the California Strawberry Commission, failed to timely file his Assuming Office Statement of Economic Interests and 2016 Annual Statement of Economic Interests, in violation of Government Code Section 87300. **Fine: \$400.**

In the Matter of Daniel Flores; FPPC No. 18/839 (Streamline Settlement). Staff: Commission Counsel Theresa Gilbertson and Special Investigator Ann Flaherty. Daniel Flores, Director of Maintenance, Operations, and Transportation for the Alum Rock Union Elementary School District, failed to timely file an Annual Statement of Economic Interests for the years 2015 and 2016, in violation of Government Code Section 87300 (2 counts). **Fine: \$400.**

In the Matter of Lori Ramos Chavez; FPPC No. 16/20063 (Streamline Settlement). Staff: Commission Counsel Megan Van Arsdale. Lori Ramos Chavez (formerly Lori Ramos Ehrlich), an Alternate Member of Community Corrections Partnership and Re-Entry Network for the County of Santa Clara, failed to timely file a 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine: \$400.**

In the Matter of Candice Bailey; FPPC No. 18/538 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Candice Bailey, a Council Member of the Early Care and Education Planning Council for the Board of Supervisors of El Dorado County, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine: \$200.**

SEI Non-Reporter

In the Matter of David Bonaccorsi; FPPC No. 18/785 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. The respondent was represented by Michael Columbo. David Bonaccorsi, a Planning Commissioner and City Councilmember for the City of Fremont, failed to timely report his economic interests from clients of \$10,000 or more to his law firm, Bernard, Balgley, and Bonaccorsi LLP, on the 2013, 2014, 2016, and 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87207 (4 counts). **Fine: \$400.**

Default Proceedings

Default Proceedings Requesting Commission Action

In the Matter of Ventura County Republican Party and Arkady Milgram, FPPC No. 16/100 (Default Decision). Staff: Senior Commission Counsel Angela Brereton, Commission Counsel Theresa Gilbertson, Special Investigator Jeffrey Kamigaki, and Associate Governmental Program Analyst Dominika Wojenska. Respondent Ventura County Republican Party (“VCRP”) is a political party committee located in Camarillo, CA. Arkady Milgram was the treasurer for VCRP. After service of an Accusation and Notices of Defense filed by VCRP and Milgram, an Administrative Hearing was scheduled with the Office of Administrative Hearings. But on December 6, 2018, after consulting with their legal counsel, VCRP and Milgram withdrew their Notices of Defense, thereby waiving their right to a hearing on the merits of the Accusation. VCRP and Milgram, in June 2010, while acting as the intermediary for two persons, failed to disclose both the intermediary and the original contributor information for \$45,000 in contributions, in violation of Government Code Section 84302 (2 counts); and VCRP and Milgram, on or about July 27, 2010, filed an inaccurate campaign statement for the reporting period of June 6 through June 30, 2010, by inaccurately reporting that VCRP made \$45,000 in contributions to Strickland for Controller, when it was not the true source of the contributions and was the intermediary for the transactions, in violation of Section 84211, subdivision (k). (1 count). **Fine: \$12,000.**