

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, November 15, 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 November 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.

Conflict of Interest

In the Matter of Kevork N. “George” Ashkharian; FPPC No. 14/876. Staff: Senior Commission Counsel Angela Brereton, Senior Commission Counsel Christopher Burton and Special Investigator Marshall Miller. Kevork N. “George” Ashkharian was employed by the State Compensation Insurance Fund (SCIF) from February 5, 2001 to April 13, 2014, as a Workers’ Compensation Insurance Supervisor II at SCIF’s Los Angeles Claims Services. This case is presented as a proposed settlement agreement resulting from a settlement conference held by the Office of Administrative Hearings. Ashkharian violated the Act by negotiating and settling lien claims with Global Holdings, a source of income to him of \$500 or more in the 12 months preceding each settlement because Global Holdings was his wife’s employer, in violation of Government Code Section 87100. (1 count). **Fine: \$5,000.**

In the Matter of Phil Rath; FPPC No. 18/1230. Staff: Commission Counsel Theresa Gilbertson. The respondent is represented by attorneys Gil Cabrera of the Cabrera Firm and James Harrison of Remcho Johansen & Purcell, LLP. Phil Rath assumed office as a member of the Civic San Diego Board of Directors on July 28, 2015, where he presently serves. On August 9, 2018, Rath and the City of the San Diego Ethics Commission entered into a Stipulation, Decision, and Order regarding four violations of the City of San Diego Ethics Ordinance and paid a fine of \$11,000. While serving on the Board of Civic San Diego, Rath failed to disclose a

source of income on an Assuming Office Statement of Economic Interests and his Annual 2015 Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). While serving on the Board, Rath voted on June 8, 2016 and June 22, 2016, in favor of applications submitted by a source of income, in violation of Government Code Section 87100 (1 count). **Fine: \$5,000.**

Campaign Non- Filer

In the Matter of Alejo for Assembly 2014 and Luis Alejo; FPPC No. 16/188.

Staff: Commission Counsel Michael W. Hamilton and Program Specialist Bob Perna. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. The respondent was represented by Gary Winuk of Kaufman Legal Group. Luis Alejo was a successful candidate in the 2014 Primary and General Elections in California's 30th Assembly District. Alejo for Assembly 2014 was his candidate-controlled committee. The Committee and Alejo failed to timely file four 10-day reports, in violation of Government Code Section 85309, subdivision (c) (1 count). The Committee and Alejo also failed to timely file three 24-hour reports, in violation of Government Code Section 84203 (1 count); and failed to timely file eight 24-hour reports, in violation of Government Code Sections 84203 and 85309, subdivision (a) (1 count). **Fine: \$8,000.**

In the Matter of Sallings for Santa Clara School Board 2014 and Noelani Sallings; FPPC No. 16/009 (Streamline Settlement). Staff: Commission Counsel Ruth Yang and Associate Governmental Program Analyst Dominika Wojenska. Noelani Sallings was a successful candidate for the Santa Clara Unified School District Board in 2014 and served as a member of the Santa Clara Unified School District's Measure J Oversight Committee from 2009 through 2014. Sallings for Santa Clara School Board 2014 was her candidate-controlled committee. The Committee and Sallings failed to timely file four semi-annual campaign statements for the reporting period of July 1, 2015 through June 30, 2017, in violation of Government Code Section 84200 (4 counts). Additionally, Sallings failed to timely file four Annual Statements of Economic Interests for 2012 through 2015, in violation of Government Code Section 87300 (4 counts). **Fine: \$5,600.**

In the Matter of Siemens Mobility, Inc.; FPPC No. 17/102. Staff: Commission Counsel Ruth Yang. The respondent is represented by Tyler Hagenbuch of Perkins Coie, LLC. Siemens Mobility, Inc. made contributions totaling \$10,000 or more in 2015 and 2016. Siemens Mobility, Inc. failed to timely file a major donor campaign statement for the reporting period of, January 1, 2015 through June 30, 2015 and July 1, 2016 through December 31, 2016, in violation of Government Code section 84200, subdivision (b) (1 count). Siemens Mobility also failed to timely file two 24-hour reports, in violation of Government Code Section 84203, subdivision (b) (1 count). **Fine: \$4,000.**

In the Matter of KCRW Foundation; FPPC No. 18/352. Staff: Commission Counsel Theresa Gilbertson. KCRW is a major donor committee. The Committee failed to timely file one semiannual major donor campaign statement for the reporting period of January 1, 2016 through June 30, 2016, in violation of Government Code Section 84200, subdivision (b) (1 count). **Fine: \$2,500.**

In the Matter of American Association of Chinese Medicine and Acupuncture Political Action Committee, Philip Yang, and Fanjin Li; FPPC No. 17/1014 (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. American Association of Chinese Medicine and Acupuncture Political Action Committee is a state general purpose committee. Philip Yang is the Committee's treasurer. Fanjin Li was the Committee's treasurer until January 15, 2015. The Committee, Yang, and Li failed to timely file three pre-election campaign statements for the reporting periods of January 1, 2014 through May 17, 2014, and July 1, 2014 through September 30, 2014, in violation of Government Code Section 84200.5 (3 counts). The committee also failed to timely file six 24-hour reports for late contributions, amounting to \$8,000, received between September 24, 2014 and October 29, 2014, in violation of Government Code Section 84203 (6 counts).

Fine: \$2,222.

In the Matter of Mister Phillips for School Board 2016 and Mister Phillips; FPPC No. 17/944.

Staff: Senior Commission Counsel Christopher Burton and Program Specialist Patricia Ballantyne. Mister Phillips was a successful candidate for the West Contra Costa Unified School District Board of Education in the November 8, 2016 General Election. Mister Phillips for School Board 2016 was his controlled committee. The Committee and Phillips failed to timely file semiannual campaign statements for the reporting periods of October 23, 2016 to December 31, 2016, and January 1, 2017 to June 30, 2017, in violation of Government Code Section 84200, subdivision (a) (1 count). **Fine: \$2,000.**

In the Matter of Cupertino Education Association Political Action Committee, Steven A. Greenfield, and Kai Brown, FPPC No. 18/077 (Streamline Settlement).

Staff: Commission Counsel Theresa Gilbertson and Law Clerk Savannah Weil-Dye. The Cupertino Education Association Political Action Committee is a local general purpose committee. Kai Brown is the committee's principal officer and Steven Greenfield is the committee's treasurer. The Committee, Greenfield, and Brown failed to timely file four 24-hour reports during the 2016 General Election, in violation of Government Code Section 84203 (4 counts); and failed to timely file a pre-election statement for the reporting period of July 1, 2016 through September 24, 2016, in violation of Government Code Section 84200.5 and 84200.8 (1 count). The committee also failed to timely file a semiannual campaign statement for the reporting period of July 1, 2017 through December 31, 2017, in violation of Government Code Section 84200 (1 count). **Fine: \$1,940.**

In the Matter of Protect Chino – No on H, Larry Walker, and Ed Layaye; FPPC No. 17/537 (Streamline Settlement).

Staff: Senior Commission Counsel Christopher Burton and Special Investigator Garrett Micheels. Protect Chino – No on H is a local primarily formed committee opposing Measure H, which appeared on the ballot in the City of Chino's July 11, 2017 Special Election. Larry Walker was the committee's treasurer and Ed Layaye was the committee's principle officer. The Committee, Walker, and Layaye failed to timely file two 24-hour contribution reports for nonmonetary contributions received by the committee during the late reporting period, in violation of Government Code Section 84203 (2 counts). **Fine: \$426.**

In the Matter of Friends of Will D. Martinez for Supervisor 2018, Will D. Martinez, and Leticia Martinez; FPPC No. 18/645 (Streamline Settlement).

Staff: Chief of Enforcement Galena West and Political Reform Consultant Chris Holm. Will Martinez was an unsuccessful candidate for Supervisor of Riverside County in the June 5, 2018 Primary Election. Friends of

Will D. Martinez for Supervisor 2018 is his candidate-controlled committee. The Committee and Martinez failed to timely file one pre-election campaign statement for the reporting period of January 1, 2018 through April 21, 2018, in violation of Government Code Section 84200.5 (1 count). **Fine: \$272.**

Statement of Economic Interest Non-Filer

In the Matter of Robert Camargo; FPPC No. 17/1023 (Streamline Settlement). Staff: Commission Counsel Megan Van Arsdale. Robert Camargo, a Senior Transportation Engineer for the Department of Transportation, failed to timely file a 2016 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine: \$200.**

Statement of Economic Interests Non-Reporter

In the Matter of Christina Gutierrez; FPPC No. 18/806 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Christina Gutierrez, as an Assistant City Clerk of San Jose, failed to timely report her business interest and income as a realtor and spousal income on her 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Fine: \$100.**

In the Matter of Aaron Ralls; FPPC No. 18/769 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Aaron Ralls, as a Planning Commissioner of the City of Folsom, failed to timely report his economic interests with business position as a realtor and income on his 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87207 (1 count). **Fine: \$100.**