



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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Fourth Quarter Update

Ethics – Gifts, Honorarium, Travel and Use of Campaign Funds

Regulations adopted by the Commission

The following are regulatory changes approved by the Commission during the past quarter concerning gifts, honorarium, travel, and use of campaign funds. To receive updates for all regulations before the Commission, please sign up for our [mailing list here](#).

None.

Advice Letters

The following are advice letters issued by the Commission's Legal Division during the past quarter concerning questions about gifts, honorarium, travel, and use of campaign funds. To receive the monthly report with all advice letters issued, please sign up for our [mailing list here](#).

Gifts

Stefan R. Spich

[A-24-094](#)

Regulation 18944 does not apply to payments made to an agency from outside sources for employee meals and drinks at a gala event offered to employees because the provision of dinner and drinks is not official agency business. Therefore, reporting these items on a Form 801 does not alleviate the reporting requirements for individual officials if the value of the dinner and drinks, and any other gift from the same source aggregates to \$50 or more in a calendar year. If an employee is required to report the source of the gift, the agency, in its capacity as an intermediary under the Act, must disclose the name and other required information regarding the outside source to the employee.

Joshua M. Caplan

[I-24-118](#)

An official who requests and personally distributes tickets to members of the public in accordance with a ticket policy appropriately adopted under Regulation 18944.1 does not receive a "gift" for purposes of the Act.

Commission Opinions

None.

Enforcement Matters

The following are summaries of significant enforcement actions approved by the Commission in the past quarter concerning gifts, honorarium, travel, and use of campaign funds. To receive a monthly report of all enforcement actions, please sign up for our [mailing list here](#).

Gifts Over-the-Limit

In the Matter of Irma Raquel Munoz; FPPC No. 21/758. Staff: Jonathan Rivera, Commission Counsel. Munoz, a member of the Santa Monica Mountain Conservancy and Advisory Committee, accepted a gift which exceeded the applicable gift limit, in violation of Government Code Section 89503 (1 count). Chief Discretion was used in this matter to include count 1 in Tier One. **Fine: \$400 (Tier One).**

Misuse of Campaign Funds

In the Matter of Caserta for Supervisor 2018 and Dominic Caserta; FPPC No. 19/326. Staff: Theresa Gilbertson, Senior Commission Counsel and Roone Petersen, Special Investigator. The respondents were represented by James Sutton of The Sutton Law Firm. Dominic Caserta was an unsuccessful candidate for Supervisor for Santa Clara County in the June 5, 2018 Primary Election. Caserta for Supervisor 2018 was Caserta's candidate-controlled committee. Caserta served as the Committee's treasurer. The Committee and Caserta made numerous expenditures using campaign funds that were not compliant with the Act's restrictions on the use of campaign funds as they had no legislative, governmental, or political purpose and were not made with a purpose consistent with the enumerated permissible uses of surplus funds, in violation of Government Code Sections 89510, 89512, and 89519 (3 counts). Further, the Committee and Caserta failed to timely and accurately report activity on a semi-annual campaign statement, in violation of Government Code Section 84211 (1 count), and failed to maintain detailed campaign records for the Committee's contributions and expenditures for the life of the Committee, in violation of Government Code Section 84104 (1 count). **Fine: \$22,500.**

Cash and In-Kind Contributions and/or Expenditures

In the Matter of Patrick Jones, Patrick Jones 2019 for Assembly (California Secretary of State I.D. No. 1419426), and Lyndia Kent AKA Lynda Kent; FPPC No. 22/031. Staff: Neal Bucknell, Senior Commission Counsel, Ann Flaherty, Special Investigator, and Paul Rasey, Special Investigator. Patrick Jones was an unsuccessful candidate in the August 27, 2019 Primary Election for the purpose of filling a vacancy in the California State Assembly, District 1. Patrick Jones 2019 for Assembly was his candidate-controlled committee. Lyndia Kent AKA Lynda Kent served as treasurer. The Committee and Kent failed to keep required committee records, in violation of Government Code section 84104 (1 count); and accepted at least 34 cash contributions (in amounts of at least \$100 each), totaling at least \$11,600, in violation of Government Code section 84300, subdivisions (a) and (c) (1 count). **Fine: \$10,000.**

Mass Mailings at Public Expense

In the Matter of Poway Unified School District; FPCC No. 20/350. Staff Alex Rose, Senior Commission Counsel and George Aradi, Special Investigator. The respondent was represented by William B. Tunick of Dannis Woliver Kelley. On October 4, 2019, the District sent a prohibited campaign-related mass mailing at public expense, in violation of Government Code Section 89001 and Regulation 18901.1 (1 count), and failed to include the proper advertising disclosures on the mass mailing, in violation of Government Code Sections 84502 and 84504.2 (1 count). The District also failed to timely file a semi-annual campaign statement for the period ending December 31, 2019, in violation of Government Code Section 84200, subdivision (b) (1 count). **Fine: \$13,500.**

Legislation

None.