



**NOTICE AND AGENDA  
Commission Meeting<sup>1</sup>**

**California Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814**

**Thursday, September 13, 2012  
10:00 A.M.**

According to (Gov. Code Section 11123) (a) all meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article. The Section further states: the portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

As stated above, the meeting of the Commission will take place at **428 J Street, Suite 800, Sacramento, CA 95814.**

However, Commissioner Garrett will attend this meeting of the Commission via teleconference from the University of Southern California, 3551 Trousdale Parkway, ADM 102, Los Angeles, CA 90089.

Agendas will be posted at the teleconference location and the teleconference location will conduct the meetings in a manner that protects the rights of any party or member of the public appearing before the state body (Commission).

**WELCOME AND CHAIR'S REPORT**

Ann Ravel, FPPC Chair

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<sup>1</sup>You can obtain further information about the meeting by contacting the Commission Assistant, 428 J Street, Suite 620, Sacramento, CA, 95814, Tel. (916) 322-5745. Written comments on agenda items should be submitted to the Commission no later than 12:00 p.m. the day before the meeting in order to afford the Commissioners adequate time to fully consider the comments. The fax number for comment letters is (916) 322-6440.

The agenda and related documents are posted on the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov). Materials submitted by the public regarding each agenda item will be made available at the meeting and on the website.

Members of the public may listen to the meeting by phone by calling (888) 751-0624; access code 723284; or watch the meeting via Webinar at [FPPC Commission Meeting Webinar](#).

The meeting location is accessible to the disabled. Persons who, due to a disability, need assistance in order to participate in this meeting should, prior to the meeting, contact the Commission Assistant at (916) 322-5745 (voice), (916) 322-6440 (facsimile) or in writing. TTY/TDD and Speech-to-Speech users may dial 7-1-1 for the California Relay Service to submit comments on an agenda item or to request special accommodations for persons with disabilities. Please allow a reasonable period of time between the request and the meeting date.

## PUBLIC COMMENT

1. **This portion of the meeting is reserved for comment on items not on the agenda. Under the Bagley-Keene Act, the Commission cannot act on items raised during public comment, but may respond briefly to statements made or questions posed; request clarification; or refer the item to staff.**

## PROPOSED CONSENT CALENDAR ITEM 2 - 17

2. **Approval of August 2012 Commission Meeting Minutes.**

### **Campaign Reporting Violations**

3. **In the Matter of No on 8, Equality for All and Steven Mele, FPPC No. 11/355.** Staff: Senior Commission Counsel Galena West and Program Specialist Luz Bonetti. This matter originated as a Franchise Tax Board audit. In this matter, Respondents No on 8, Equality for All, a state primarily formed committee, and Respondent Committee's treasurer, Steven Mele, failed to timely file late contribution reports, in violation of Sections 84203 and 84605, subdivision (a), of the Government Code (8 counts); failed to timely file \$1,000 online election cycle reports, in violation of Section 85309, subdivision (b), of the Government Code (5 counts); failed to timely file \$5,000 online reports, in violation of Section 85309, subdivision (d), of the Government Code (2 counts); and failed to disclose certain information regarding persons who contributed \$100 or more, in violation of Section 84211, subdivision (f), of the Government Code (1 count). **Total Proposed Penalty: \$42,500.**
4. **In the Matter of Human Rights Campaign California Marriage PAC – No On Prop 8 Committee and James Rinefierd, FPPC No. 12/214.** Staff: Senior Commission Counsel Galena West and Program Specialist Luz Bonetti. This matter originated as a Franchise Tax Board audit. In this matter, Respondent Human Rights Campaign California Marriage PAC – No On Prop 8 Committee, a state primarily formed sponsored committee at all times relevant, and Respondent Committee's treasurer, James Rinefierd, failed to timely disclose information regarding contributions received, including those of \$100 or more, on campaign statements for the reporting periods ending June 30, 2008, September 30, 2008, and October 18, 2008, in violation of Section 84211, subdivisions (a), (c), (d), and (f), of the Government Code (3 counts). **Total Proposed Penalty: \$6,000.**

- 5. In the Matter of Equality California Issues PAC and Timothy Hohmeier, FPPC No. 11/446.** Staff: Senior Commission Counsel Galena West and Program Specialist Luz Bonetti. This matter originated as a Franchise Tax Board audit. In this matter, Respondents Equality California Issues PAC, a state primarily formed committee at all times relevant, and Respondent Committee's treasurer, Timothy Hohmeier, failed to file preelection campaign statements for the reporting periods ending March 17, 2008, and May 17, 2008, in violation of Sections 84200.5, subdivision (d), and 84200.7 of the Government Code (1 count); failed to timely file late contribution reports, in violation of Sections 84203 and 84605, subdivision (a), of the Government Code (4 counts); failed to timely file \$1,000 online election cycle reports, in violation of Section 85309, subdivision (b), of the Government Code (6 counts); and failed to disclose certain information regarding persons who contributed \$100 or more, in violation of Section 84211, subdivision (f), of the Government Code (1 count). **Total Proposed Penalty: \$31,500.**
- 6. In the Matter of Republican Central Committee of San Luis Obispo County, Patricia Smith, Elizabeth Van Note, and Danielle Duboff, FPPC No. 11/441.** Staff: Senior Commission Counsel Neal Bucknell and Program Specialist Bob Perna. Respondent Patricia Smith is the treasurer of Respondent Republican Central Committee of San Luis Obispo County. Respondents Elizabeth Van Note and Danielle Duboff are the former treasurers of the committee. In this matter, Respondents failed to file a pre-election campaign statement for the reporting period ending December 26, 2009, in violation of Government Code sections 84200.5, subdivision (f), and 84200.8, subdivision (c) (1 count). Also, Respondents failed to file (or in some cases, failed to timely file) several late contribution reports between March of 2010 and March of 2011 in violation of Government Code sections 84203, subdivisions (a) and (b), and in some cases, 84605, subdivision (b) (6 counts). (Although the committee is named in every count, only one treasurer is named per count, depending upon who was serving as the committee treasurer during the relevant period of time.) **Total Proposed Penalty: \$14,000.**
- 7. In the Matter of Joseph J. Jelincic, J.J. Jelincic for CalPERS – 2009, and Frank Luna, FPPC No. 10/620.** Staff: Commission Counsel Dave Bainbridge and Program Specialist Bill Marland. Respondent Joseph J. Jelincic was elected to the California Public Employees' Retirement System ("CalPERS") Board of Administration in a run-off election held on December 4, 2009. J.J. Jelincic for CalPERS – 2009 ("Committee") was the Respondent's campaign committee for the 2009 election. Frank Luna served as treasurer of the Committee. On December 16, 2009, the Committee accepted a campaign contribution from the Committee to Re-Elect Chuck Valdes in the form of a

check in the amount of \$3,600. This contribution, received by the Committee after the election, exceeded the net debts outstanding from the election in violation of Government Code section 85316, subdivision (a) (1 count). **Total Proposed Penalty: \$2,000**

8. **In the Matter of the Limited Government PAC and Casey Evans, FPPC No. 10/1046.** Staff: Commission Counsel Zachary W. Norton and Special Investigator Mark Weber. Respondent Limited Government PAC was a primarily formed ballot measure committee. Respondent Casey Evans was treasurer of the committee at all times relevant. In this matter, Respondents failed to file an amended statement of organization within 10 days to disclose that Respondent Committee was a primarily formed committee, failed to add the title and ballot number supported as its primary activity, and failed to include the name of a major donor in the name of the Respondent Committee, in violation of Government Code sections 84102, subdivisions (d) and (g), and 84103, subdivision (a). **Total Proposed Penalty: \$3,000**

#### **Campaign Reporting Violations – Streamline**

9. **In the Matter of Dennis Beebe, Beebe for Trustee, and Marie Beebe, Treasurer, FPPC No. 12/353.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents, Dennis Beebe, Beebe for Trustee, and Marie Beebe, failed to timely file the Form 460 semiannual campaign statement covering the period July 1, 2011 – December 31, 2011, due January 31, 2012, with the County of Bakersfield in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200**

#### **Statement of Economic Interest Non-Reporting**

10. **In the Matter of Karen Burnham, FPPC No. 12/030.** Staff: Senior Commission Counsel Galena West and Special Investigator Lee Myers. Respondent Karen Burnham, Assistant City Manager for the City of Oxnard, received gifts exceeding the reporting threshold of \$50 in each of the years 2007 and 2008, and failed to report these gifts on her annual Statements of Economic Interests for reporting periods, January 1, 2007, through December 31, 2007, due April 1, 2008; and January 1, 2008, through December 31, 2008, due April 1, 2009, in violation of Government Code Sections 87300 and 87302 (2 counts). **Total Proposed Penalty: \$2,000.**
11. **In the Matter of Kenneth Ortega, FPPC No. 12/033.** Staff: Senior Commission Counsel Galena West and Special Investigator Lee Myers. Respondent Kenneth Ortega, Public Works Director for the City of Oxnard, received gifts exceeding the

reporting threshold of \$50 in each of the years 2007 through 2009, and failed to report these gifts on his annual Statements of Economic Interests for reporting periods, January 1, 2007, through December 31, 2007, due April 1, 2008; January 1, 2008, through December 31, 2008, due April 1, 2009; and January 1, 2009, through December 31, 2009, due April 1, 2010, in violation of Government Code Sections 87300 and 87302 (3 counts). Additionally, Respondent received gifts exceeding the applicable gift limit from one source in 2008 and one source in 2009, in violation of Government Code Section 89503, subdivision (c) (2 counts). **Total Proposed Penalty: \$7,000.**

### **Statement of Economic Interest Non-Reporting – Streamline**

12. **In the Matter of John Chua, FPPC No. 11/807.** Staff: Senior Commission Counsel Galena West, Special Investigator Lee Myers and Law Clerk Kyle Levy. Respondent John Chua, a member of the City of Walnut Planning Commission until December 31, 2011, failed to report interests in real property and a business, Tempo Graphics & Printing/ Golden Touch USA, as a source of income on his 2008, 2009, and 2010 Statements of Economic Interests for the reporting periods of January 1, 2008 through December 31, 2008, due April 1, 2009, January 1, 2009 through December 31, 2009, due April 1, 2010, and January 1, 2010 through December 31, 2010, due April 1, 2011, in violation of Sections 87206 and 87207 of the Government Code (3 counts). **Total Proposed Penalty: \$600.**
  
13. **In the Matter of Senator Roderick D. Wright, FPPC Case No. 12/399.** Staff: Adrienne Korchmaros, Political Reform Consultant. Respondent Roderick D. Wright, as a California State Senator, failed to disclose a gift of travel valued at \$13,045.46 received from Legislative Leadership Institute on his 2009 Annual Statement of Economic Interests, covering the period January 1, 2009 through December 31, 2009. This omission was in violation of Government Code Section 87207. (1 count) **Total Proposed Penalty: \$200.**

### **Lobbying Reporting – Streamline**

14. **In the Matter of Mendez Strategy Group and John Mendez, Principal Officer, FPPC No. 12/403.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents Mendez Strategy Group and John Mendez, the Responsible Officer, failed to register with the Secretary of State no later than 10 days after qualifying as a lobbying firm in violation of Government Code Section 86101 (1 count). **Total Proposed Penalty: \$200.**

15. **In the Matter of Independent Cities Lease Finance Authority and Deborah J. Smith, FPPC No. 10/0369.** Staff: Legal Analyst Tracey Frazier. Respondent Independent Cities Lease Finance Authority, a registered California lobbyist employer, and Respondent Deborah J. Smith, Secretary/Program Administrator and responsible filing officer, failed to file Lobbyist Employer Reports in a timely manner for reporting periods ending December 31, 2009, March 31, 2010, June 30, 2010, September 30, 2010, and December 31, 2010, in violation of Government Code Section 86115 (5 counts). **Total Proposed Penalty: \$2,000.**

#### **Slate Mailer Reporting Violation**

16. **In the Matter of California Voter Guide and Gary Crummitt, FPPC No. 12/374.** Staff: Commission Counsel Dave Bainbridge, Special Investigator Leon Nurse-Williams. Respondent California Voter Guide is a slate mailer organization. Respondent Gary Crummitt is the treasurer for the organization. Prior to the 2012 primary election, California Voter Guide sent out two electronic slate mailers that did not include the street address and city of the organization in violation of Government Code section 84305.5, subdivision (a) (2 counts). **Total Proposed Penalty: \$3,000.**

#### **Statement of Economic Interests, Failure to File – Streamline**

17. **In the Matter of Madeleine Zayas-Mart, FPPC No. 11/940.** Staff: Commission Counsel Zachary W. Norton and Political Reform Consultant Jeanette Turvill. In this matter, Madeleine Zayas-Mart, a member of the Oakland Planning Commission, failed to file a timely 2010 annual Statement of Economic Interests, in violation of Government Code section 87203 (1 count). **Total Proposed Penalty: \$200.**

#### **GENERAL ITEMS 18 - 19**

18. **Adoption of Amendments - Conflict of Interest Regulation 18706 (continued from the August Commission meeting):** Staff: General Counsel Zackery P. Morazzini and Senior Commission Counsel William J. Lenkeit. Staff proposes to amend the conflict of interest regulations over the next several months. The process begins with a proposed amendment to Regulation 18706, determining when a material financial effect of a governmental decision is "reasonably foreseeable." The proposed amendments are intended to provide better guidance to public officials in determining if a conflict of interest exists under the Act.
19. **Adoption of Regulation – Conflict of Interest Code: Reporting of Gifts Regulation**

**18730.1:** Staff: General Counsel Zackery P. Morazzini and Commission Counsel Sukhi K. Brar. Staff proposes to adopt proposed Regulation 18730.1, which addresses the gift reporting requirements for designated employees. The proposed regulation would provide direction to agencies when developing disclosure categories for conflict of interest codes. The regulation would require agencies to tailor conflict of interest code disclosure categories so that designated employees who report sources of gifts would be required to report only those gifts that may potentially influence them in their official capacities.

## **EXECUTIVE STAFF REPORTS ITEM 20**

**Executive Director's Report and Opinion Request; *In re Rosenstiel*.** Staff: Executive Director, John Wallace. The Executive Director has been asked by Paul Rosenstiel, a member of the California State Teachers' Retirement System (CalSTRS), for an exemption from the Act's general requirement that a member of CalSTRS disclose every source of income on his Statement of Economic Interests, Form 700. Under procedures established in Regulation 18740, the exemption request was tentatively approved by the Executive Director and, as required under the regulation, is now presented to the Commission for final determination. The Commission may ratify the Executive Director's tentative decision by issuing an opinion, *In re Rosenstiel*, or may order disclosure by Mr. Rosenstiel.

**Legislative Report.** Staff: Legislative Coordinator, Tara Stock

**Litigation Report.** Staff: General Counsel, Zackery P. Morazzini

**Legal Division Report.** Staff: General Counsel, Zackery P. Morazzini

**Enforcement Division Report.** Staff: Chief of Enforcement, Gary Winuk

**Technical Assistance Division Report.** Staff: Chief of T.A.D., Lynda Cassady

**Administrative Division Report.** Staff: Chief of Administration, Tina Bass