



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

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

**Thursday, April 25, 2013  
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 Eskovitz will attend this meeting of the Commission via teleconference from 355 South Grand Avenue, Los Angeles, CA 90071.

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

The Commission would like to recognize outgoing Commissioners Garrett, Montgomery

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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 YouTube at <http://www.youtube.com/user/CAFPPC/live>.

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.

and Rotunda for their valued service during their terms on the Commission.

## **PUBLIC COMMENT**

### **1. Public Comment.**

**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 - 27**

### **2. Approval of February 2013 Commission Meeting Minutes.**

#### **Conflict of Interest**

- 3. In the Matter of Antoinette Renwick, FPPC No. 10/567.** Staff: Senior Commission Counsel Angela Brereton and Special Investigator Simon Russell. Respondent, Antoinette Renwick (“Respondent Renwick”), was the Inspection Services Manager for the City of Oakland Community and Economic Development Agency (CEDA), Building Services Division (BSD), from November 2002 through October 2010. As the BSD Inspection Services Manager, Respondent Renwick was a public official, as defined in Section 82048 of the Political Reform Act, and was a designated employee in the Conflict of Interest Code for the City of Oakland. In this matter, Respondent Renwick violated the conflict of interest provisions of the Act when she approved and signed a series of contracts with a contractor, her former brother-in-law, from whom she had received a loan in the amount of \$50,000. Additionally, Respondent Renwick violated the financial disclosure requirements of the Act by failing to disclose the loan from the contractor in her 2008 Annual Statement of Economic Interests. Thus, Respondent Renwick made a series of governmental decisions involving her former brother-in-law in which she knew herself to have a financial interest in violation of Government Code Section 87100 (1 count) and Respondent Renwick failed to disclose her former brother-in-law as a source of a loan in her 2008 Annual Statement of Economic Interests in violation of Government Code Sections 87300 and 87302, subdivision (b) (1 count). **Total Proposed Penalty: \$6,500.**

#### **Independent Expenditure Committee Coordination**

- 4. In the Matter of Voters for a New California and Joaquin Ross, FPPC No. 10/470.** Staff: Senior Commission Counsel Neal Bucknell and Special Investigator Paul Rasey. Respondent, Voters for a New California, purported to be a general purpose committee for the purpose of making independent expenditures to support

Latino candidates. Respondent, Joaquin Ross, was a principal officer of the committee, and at the same time was a paid general campaign manager for Luis Alejo, a successful candidate for the California State Assembly. In approximately May 2010, Respondents Voters for a New California and Joaquin Ross made an over-the-limit non-monetary contribution in support of Luis Alejo's candidacy for the California State Assembly in the form of three mass mailings, which cost approximately \$28,892, in violation of Government Code Section 85301, subdivision (a) (1 count). Also, Respondents Voters for a New California and Joaquin Ross filed a false Form 460 campaign statement with the Secretary of State for the reporting period ending May 22, 2010, which concealed the over-the-limit contribution described above by falsely reporting it as an independent expenditure, in violation of Government Code Section 84211, subdivisions (b), (i), and (k) (1 count). **Total Proposed Penalty: \$6,500.**

### **Campaign Reporting**

5. **In the Matter of George Shirakawa, George Shirakawa For School Board, and Shirakawa For Supervisor, FPPC No. 12/662.** Staff: Commission Counsel Zachary Norton, Special Investigator Simon Russell, and Program Specialist Luz Bonetti. Respondent, George Shirakawa ("Respondent Shirakawa"), had been a member of the Santa Clara County Board of Supervisors since 2008, and previously served on a governing board of the East Side Union High School District. Respondents, George Shirakawa for School Board, and Shirakawa for Supervisor, were Respondent Shirakawa's candidate controlled committees. As a Santa Clara County Supervisor, Respondent Shirakawa made expenditures that were not related to a political, legislative or governmental purpose in violation of Government Code Section 89512 (10 counts). **Total Proposed Penalty: \$50,000.**
  
6. **In the Matter of Dan Hamburg, Dan Hamburg for Supervisor 2010, and Geoffrey Baugher, FPPC Nos. 10/751 and 10/981.** Staff: Senior Commission Counsel Galena West and Program Specialist Luz Bonetti. Respondent, Dan Hamburg ("Respondent Hamburg"), was elected to the Mendocino County Board of Supervisors in the November 2, 2010 General Election. Respondent, Dan Hamburg for Supervisor 2010, was, at all times relevant, Respondent Hamburg's candidate controlled recipient committee. In this matter, Respondents understated and overstated the balance of cash on campaign statements in violation of Government Code Section 84211, subdivision (e) (1 count); failed to disclose information regarding contributions received and expenditures made of \$100 or more on campaign statements in violation of Government Code Section 84211, subdivisions (a), (b), (f), and (k) (1 count); and failed to deposit contributions into a single, designated campaign bank account prior to expenditure in violation of Government Code Section 85201, subdivisions (c) and (e) (1 count). In addition, Respondent Hamburg made two contributions totaling \$1,500 to the committee by money order on or about November 8, 2010, in violation of Government Code Section 84300, subdivision (c). **Total Proposed Penalty: \$9,500.**

- 7. In the Matter of Marcie Hodge, Hodge for Mayor 2010, and Yvonne Hodge, FPPC No. 11/177.** Staff: Commission Counsel Zachary Norton, Special Investigator Leon Nurse-Williams, and Program Specialist Luz Bonetti. Respondents, Marcie Hodge, a candidate for Mayor of Oakland in the November 2, 2010 election, Hodge for Mayor 2010, her candidate controlled committee, and its Treasurer, Yvonne Hodge, failed to timely file a first pre-election 460 campaign statement covering the period January 1, 2010, through September 30, 2010, due October 5, 2010, (1 count) and a second pre-election 460 campaign statement covering the period October 1, 2010, through October 16, 2010, due October 21, 2010, (1 count) in violation of Government Code Sections 84200.5, subdivision (b), and 84200.7. **Total Proposed Penalty: \$5,000.**
- 8. In the Matter of Jacob Angel and Jacob Angel for Peninsula Health Care District 2012, FPPC No. 12/287 (Default Decision).** Staff: Senior Commission Counsel Angela Brereton and Program Specialist Luz Bonetti. Respondent, Jacob Angel (“Respondent Angel”), was a candidate for Peninsula Health Care District in the November 6, 2012 election, but he withdrew from the election as of May 1, 2012. Respondent, Jacob Angel for Peninsula Health Care District 2012, was Respondent Angel’s candidate controlled committee. In this matter, Respondents failed to establish a campaign bank account upon the filing of a statement of intention, failed to deposit all campaign contributions into, and failed to make all expenditures from a single, designated campaign bank account for Respondent Jacob Angel For Peninsula Health Care District 2012, during calendar years 2011 and 2012, in violation of Government Code Section 85201, subdivisions (a), (c), and (e) (1 count). Additionally, Respondents failed to maintain the detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that campaign statements were properly filed, and to comply with the campaign reporting provisions of the Political Reform Act, during calendar years 2011 and 2012, in violation of Government Code Section 84104 (1 count). **Total Proposed Penalty: \$2,000.**
- 9. In the Matter of Lela Henke-Dobroth and Friends to Elect Lela Henke-Dobroth for Judge 2010, FPPC No. 12/418.** Staff: Commission Counsel Dave Bainbridge. Respondent, Lela Henke-Dobroth, ran for Superior Court Judge in the County of Ventura in 2010. Respondent, Friends to Elect Lela Henke-Dobroth for Judge 2010, was her campaign committee. During the campaign, the Respondents received three contributions of \$1,000 or more before the date of the election but after the closing date of the last campaign statement period for which they failed to file late contribution reports in violation of Government Code Section 84203, subdivision (a) (1 count). Respondents also received two campaign contributions of \$100 or more in cash in violation of Government Code section 84300, subdivision (a) (1 count). **Total Recommended Penalty: \$3,500.**
- 10. In the Matter of United Faculty Political Action Committee (PAC) North Orange County Community College District and Queen Peterson, FPPC No. 12/961.**

Staff: Political Reform Consultant Adrienne Korchmaros. Respondents, United Faculty Political Action Committee (PAC) North Orange County Community College District and its Treasurer, Queen Peterson, failed to timely file the Form 460 campaign statement covering the period July 1, 2012, through October 20, 2012, as well as the Supplemental Independent Expenditure Report covering the period October 17, 2012, both due October 25, 2012, with the Orange County Registrar of Voters in violation of Government Code Sections 84200.5 and 84203.5. (2 counts). **Total Proposed Penalty: \$400.**

11. **In the Matter of AFSCME Local 2006 PAC, FPPC No. 12/973.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Robert Cosgrove. Respondent, AFSCME Local 2006 PAC, a general purpose committee, failed to timely file the Form 460 campaign statement for the period covering January 1, 2012, through June 30, 2012, due July 31, 2012, in violation of Government Code Section 84200, subdivision (a) (1 count). **Total Proposed Penalty: \$400.**
12. **In the Matter of Stonewall Young Democrats of San Diego and Ryan Darsey, FPPC No. 12/821.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents, Stonewall Young Democrats of San Diego and its Treasurer, Ryan Darsey, failed to timely file the Form 460 campaign statement covering the period January 1, 2012, through June 30, 2012, due July 31, 2012, with the County of San Diego Registrar of Voters in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**
13. **In the Matter of Robert E. Bernosky, Bernosky for Assembly 2012, and Robert E. Bernosky, Treasurer, FPPC No. 12/788.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents, Robert E. Bernosky, Bernosky for Assembly 2012, and Robert E. Bernosky, as Treasurer, failed to timely file the Form 460 campaign statement covering the period October 1, 2012, through October 20, 2012, due October 25, 2012, with the Secretary of State in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$200.**
14. **In the Matter of Linda Small for School Board 2009; Linda Small, FPPC No. 12/737.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Linda Small for School Board 2009, a committee controlled by candidate Linda Small, failed to timely file the Form 460 campaign statement covering the period January 1, 2012, through June 30, 2012, due July 31, 2012, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**
15. **In the Matter of Michael Touhey, Touhey for Upper San Gabriel Valley MWD-(Div 4) 2012, and Debbie Touhey, FPPC No. 13/017.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents, Michael Touhey, Touhey for Upper San Gabriel Valley MWD-(Div 4) 2012, and its Treasurer, Debbie Touhey, failed to timely file the pre-election Form 460 campaign statement covering the period October 1, 2012, through October 20, 2012, due on October 25, 2012, with the Los

Angeles County Registrar of Voters in violation of Government Code Section 84200.5. (1 count). **Total Proposed Penalty: \$200.**

### **Lobbying Reporting**

- 16. In the Matter of The Surplus Line Association of California and Joy Erven, FPPC No. 12/835.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Robert Cosgrove. Respondents, The Surplus Line Association of California, a California lobbyist employer, and The Surplus Line Association of California's Responsible Officer, Joy Erven, failed to timely file the Lobbyist Employer Report Form 635 covering the period January 1, 2012, through March 31, 2012, due April 30, 2012, failing to disclose total payments made for lobbying services in the amount of \$50,000, in violation of Government Code Sections 86115, 86117, 84605 (1 counts). **Total Proposed Penalty: \$1,000.**
- 17. In the Matter of All Valley Engineering Corporation, Inc., FPPC No. 12/268.** Staff: Political Reform Consultant Teri Rindahl. Respondent, All Valley Engineering Corporation, failed to timely file the Lobbyist Employer Report Form 635 covering the periods July 1, 2011, through September 30, 2011, due October 31, 2011, and October 1, 2011, through December 31, 2011, due January 31, 2012, with the Secretary of State in electronic format in violation of Government Code Section 86115 (2 counts). **Total Proposed Penalty: \$400.**

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

- 18. In the Matter of James Cameron, FPPC No. 12/031.** Staff: Senior Commission Counsel Galena West and Special Investigator Lee Myers. In this matter, Respondent, James Cameron ("Respondent Cameron"), the Chief Financial Officer for the City of Oxnard, received gifts exceeding the reporting threshold of \$50 in 2008, and failed to report these gifts on his Annual Statement of Economic Interests covering the period January 1, 2008, through December 31, 2008, due April 1, 2009, in violation of Government Code Sections 87300 and 87302 (1 count). In addition, Respondent Cameron received gifts exceeding the applicable gift limit from one source in 2008 in violation of Government Code Section 89503, subdivision (c) (1 count). Respondent Cameron impermissibly made, participated in the making, or influenced a governmental decision by signing and approving a Contract of Purchase for \$20,005,000 in bond anticipation notes with E.J. De La Rosa & Co., Inc., the source of the gifts that exceeded the annual gift limit, in violation of Government Code Section 87100 (1 count). **Total Proposed Penalty: \$6,500.**
- 19. In the Matter of Mike More, FPPC No. 12/032.** Staff: Senior Commission Counsel Galena West and Special Investigator Lee Myers. Respondent, Mike More, Financial Services Manager for the City of Oxnard, received gifts exceeding the reporting threshold of \$50 in each of the years 2008 and 2009, and failed to report these gifts on his Annual Statements of Economic Interests covering the periods,

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 (2 counts). **Total Proposed Penalty: \$2,000.**

- 20. In the Matter of Andrea Shorter, FPPC No. 12/866.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Andrea Shorter (“Respondent Shorter”), a member of the Commission on the Status of Women for the City and County of San Francisco. As a member of that commission, she was required by the Conflict of Interest Code to file Annual Statements of Economic Interests disclosing sources of income. In this matter, Respondent Shorter filed Annual Statements of Economic Interests for 2008, 2009, 2010, and 2011, but failed to report her income from the No on Proposition 8 Campaign in 2008, and failed to report her salary as the Director of Equality California, a nonprofit entity, on her 2009, 2010, and 2011 Annual Statements of Economic Interest in violation of Government Code Section 87207 (4 counts). **Total Proposed Penalty: \$800.**

#### **Statement of Economic Interests – Non-Filer**

- 21. In the Matter of Alfonso Perez, FPPC No. 12/748.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent, Alfonso Perez, as a Commissioner on the Entertainment Commission for the City and County of San Francisco, failed to timely file the 2011 Annual Statement of Economic Interests covering the period January 1, 2011, through December 31, 2011, due April 2, 2012, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**
- 22. In the Matter of Ricardo Pacheco, FPPC No. 12/772.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Robert Cosgrove. Respondent, Ricardo Pacheco, City of Baldwin Park City Council Member, failed to timely file the 2011 Annual Statement of Economic Interests covering the period January 1, 2011, through December 31, 2011, due April 2, 2012, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**
- 23. In the Matter of Philip Quartararo, FPPC No. 12/706.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Robert Cosgrove. Respondent, Philip Quartararo, Professional Engineers & Land Surveyors Board Member, failed to timely file the 2011 Annual Statement of Economic Interests covering the period January 1, 2011, through December 31, 2011, due April 2, 2012, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**
- 24. In the Matter of Bruce Nissen, FPPC No. 12/813.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Bruce Nissen, a member of the Colfax Elementary School District for the County of Placer, failed to timely file the 2011 Annual Statement of Economic Interests covering the period of January 1, 2011, through December 31, 2011, due April 2, 2012, in violation of Government Code Section 87300. (1 count). **Total Proposed Penalty: \$200.**

25. **In the Matter of Andrés Soto, FPPC No. 13/098.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent, Andrés Soto, as a Commissioner for the City of Richmond Planning Commission, failed to timely file the 2011 Annual Statement of Economic Interests covering the period January 1, 2011, through December 31, 2011, due April 2, 2012, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**
26. **In the Matter of Brenda Bourassa, FPPC No. 12/708.** Staff: Legal Analyst Tracey Frazier and Law Clerk Jamie Kuryllo. Respondent, Brenda Bourassa, as a Manager for the Department of Motor Vehicles, failed to timely file the 2010 Annual Statement of Economic Interests covering the period January 1, 2010, through December 31, 2010, due April 1, 2011, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

#### **Receipt of Gift Over the Limit**

27. **In the Matter of Joshua D. Mitchell, FPPC No. 12/863.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Joshua D. Mitchell, Mayor of the City of Sanger, received gifts exceeding the applicable gift limit from one source in 2011 in violation of Government Code Section 89503 (1 count). **Total Proposed Penalty: \$200.**

#### **GENERAL ITEMS 28 - 29**

28. **Adoption of Proposed Amendments to the Conflict of Interest Regulations – Regulation 18700: Basic Rule:** Staff: General Counsel Zackery P. Morazzini and Senior Commission Counsel William Lenkeit. This proposed regulation would restructure the existing conflict of interest analysis by consolidating and reorganizing multiple steps in the analysis. Over the next several months, Commission staff will be continuing its project to revise the Act's conflict of interest regulations, which interpret Section 87100 and Section 87103 of the Act. The goal is to make Commission regulations easier to understand and apply, and more helpful for public officials to determine if a conflict of interest exists under the Act.
29. **Report of Sub-Committee for the National Search for Executive Director and Potential action to Appoint Members to Sub-Committee:** The Commission is involved in a national search for an Executive Director. The current sub-committee developed the structure and process to guide the search. We are in the process of accepting applications for the position. With the new commissioners in place, the sub-committee would benefit from additional members.



## **EXECUTIVE STAFF REPORTS ITEM 30**

**Executive Director/Administrative Division Report.** Staff: Interim Executive Director, Tina Bass

**Legislative Report.** Staff: Legislative Coordinator, Sukhi Brar

**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 Technical Assistance Division, Lynda Cassady

