



**NOTICE AND AGENDA
Commission Meeting¹**

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

**Thursday, August 22, 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.

Commissioner Wasserman will attend this meeting of the Commission via teleconference from 1230 Crenshaw Blvd, Suite 103, Torrance, CA 90501.

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

¹You 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. 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 [meeting via YouTube](#).

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. 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 - 42

2. Approval of June 2013 Commission Meeting Minutes.

3. Final approval of Draft Statements of Incompatible Activities. Staff: General Counsel Zackery P. Morazzini. Every state and local agency is required to adopt a statement listing activities which are deemed inconsistent, incompatible, or in conflict with the duties of its officers and employees (the "Statement"). (Section 19990.) Last year, in light of the numerous changes to the gift rules adopted by the Commission, staff determined that the existing Statement was in need of an update. After significant in-house vetting, two 30-day notice/comment periods for staff and their representatives, and review and final approval by the California Department of Human Resources, staff is now presenting the revised code for adoption.

ENFORCEMENT MATTERS

Influencing Prospective Employment

4. In the Matter of Mark Moses, FPPC No. 10/1084. Staff: Commission Counsel Milad Dalju and Special Investigator Simon Russell. In June 2010, Respondent, Mark Moses, in his capacity as the Chief Financial Officer of the City of Stockton, made, participated in making, or attempted to influence, two governmental decisions directly related to a person with whom he was negotiating, or had an arrangement concerning, prospective employment, in violation of Government Code Section 87407 (2 counts). **Total Proposed Penalty: \$8,000.**

5. **In the Matter of Dwain Sanders, FPPC No. 13/094.** Staff: Senior Commission Counsel Dave Bainbridge and Special Investigator Beatrice Moore. Respondent, Dwain Sanders, served as a Director on the Western Hills Water District Board of Directors from 2005 to 2008. Respondent failed to timely report on his 2008 Statement of Economic Interests, income he received from his employers, Diablo Grande LP and World International, Inc., who had business before the Western Hills Water District during 2008, in violation of Government Code Section 87300 (1 count). Also, Respondent, in his capacity as a Director on the Western Hills Water District Board of Directors, voted on a matter directly relating to World International, Inc., with whom he had an arrangement concerning prospective employment at the time of the vote, in violation of Government Code Section 87407. (1 count). **Total Proposed Penalty: \$4,000.**

Conflict of Interest

6. **In the Matter of Guadalupe “Lupe” Ramos Watson, FPPC No. 12/489 (Default Decision).** Staff: Senior Commission Counsel Angela Brereton and Special Investigator Simon Russell. In this matter, Respondent, Guadalupe “Lupe” Ramos Watson, a member of the City of Indio City Council, made a governmental decision in which she had a financial interest, by voting to authorize a lease agreement between the Redevelopment Agency for the City of Indio and KEB Enterprises, LLC, for the lease of the Indio Transportation Center site, which was located within 500 feet of real property in which Respondent held an economic interest of \$2,000 or more, in violation of Government Code Section 87100 (1 count). **Total Proposed Penalty: \$4,000.**

Campaign Reporting

7. **In the Matter of Sharon Runner, Sharon Runner for Senate 2011, Sharon Runner for Senate 2012, and Kelly Lawler, FPPC No. 13/083.** Staff: Commission Counsel Milad Dalju and Program Specialist Bill Marland. This matter originated as a Franchise Tax Board audit. Respondents, Sharon Runner, Sharon Runner for Senate 2011, and its Treasurer, Kelly Lawler, impermissibly made contributions in excess of the \$3,900 contribution limit to a committee controlled by a candidate for elective state office, in violation of Government Code Section 85035 (1 count), and Respondents, Sharon Runner, Sharon Runner for Senate 2012, and its Treasurer, Kelly Lawler, impermissibly made contributions in excess of the \$3,900 contribution limit to a committee controlled by a candidate for elective state office, in violation of Government Code Section 85035 (1 count). **Total Proposed Penalty: \$8,000.**

- 8. In the Matter of Judith L. Dunlap, Dunlap for Mayor 2010, Dunlap 2009, and Friends to Elect Judy Dunlap, FPPC No. 10/208.** Staff: Commission Counsel IV Galena West and Program Specialist Luz Bonetti. Respondent, Judith L. Dunlap (“Respondent Dunlap”), was an Inglewood City Councilmember since 1993. She ran for Inglewood City Council in the April 7, 2009 election and in a run-off election August 31, 2010, and won both times. She also ran for Mayor of Inglewood in the June 8, 2010 and the November 2, 2010 elections and was defeated both times. Respondents, Dunlap for Mayor 2010, Dunlap 2009, and Friends to Elect Judy Dunlap, were the controlled committees of Respondent Dunlap for these elections. Respondent Dunlap served as Treasurer of Respondent Committees. In this matter, Respondents failed to file preelection and semi-annual campaign statements, in violation of Government Code Sections 84200, subdivision (a), 84200.5, subdivisions (b) and (c), 84200.7, subdivision (a), and 84200.8 (4 counts), and failed to maintain records to support the information required to be disclosed on campaign statements, in violation of Government Code Section 84104 (1 count). **Total Proposed Penalty: \$9,500.**
- 9. In the Matter of Rancho Bernardo Democratic Club and Pat Jones, FPPC No. 12/230 (Default Decision).** Staff: Commission Counsel Milad Dalju and Law Clerk Selena Farnesi. Respondent, Rancho Bernardo Democratic Club, a county general purpose committee, and its Treasurer, Pat Jones, failed to file a semiannual statement covering the periods July 1, 2011, through December 31, 2011, due January 31, 2012, January 1, 2012, through June 30, 2012, due July 31, 2012, and July 1, 2012, through December 31, 2012, due January 31, 2013, in violation of Government Code Section 84200, subdivision (a) (3 counts). **Total Proposed Penalty: \$7,500.**
- 10. In the Matter of California Taxpayer Protection Committee and Thomas N. Hudson, FPPC No. 12/106.** Staff: Commission Counsel Milad Dalju and Program Specialist Grant Beauchamp. Respondent, California Taxpayer Protection Committee, a state general purpose committee, and its Treasurer, Respondent Thomas N. Hudson, failed to timely report subvendor information for payments, totaling \$252,635.63, made during the reporting periods ending June 30, September 30, and December 31, 2008, in violation of Government Code Sections 84211, subdivision (k), and 84303 (1 count). Respondents also failed to report twelve late independent expenditures, totaling \$85,194.85, made to oppose or support local candidates and measures in the June 3 and November 4, 2008, elections, to the local filing officer within 24 hours, in violation of Government Code Section 84204, subdivision (c) (1 count). **Total Proposed Penalty: \$5,500.**

- 11. In the Matter of Stonewall Democratic Club of Greater Sacramento, William Guy Crouch, and Christopher Welton, FPPC No. 12/103.** Staff: Senior Commission Counsel Angela Brereton; Program Specialist Luz Bonetti. Respondent Stonewall Democratic Club of Greater Sacramento (Respondent Committee) qualified as a county general purpose committee in 2002, and in 2003 qualified as a state general purpose committee. From July 17, 2006 through July 22, 2008, Respondent William Guy Crouch was treasurer of Respondent Committee, and from July 23, 2008 through July 12, 2011, Christopher Welton was treasurer of Respondent Committee. This matter was referred to the Enforcement Division as the result of an FTB audit. In this matter, Respondents failed to maintain the detailed accounts, records, bills, and receipts necessary to prepare campaign statements for reporting periods in calendar year 2008, in violation of Government Code Section 84104, and Regulation 18401. (1 count); failed to file a pre-election campaign statement by the October 23, 2008 due date, for the reporting period of October 1 through October 18, 2008, in violation of Government Code Sections 84200.5, subdivision (d), and 84200.7, subdivision (b) (1 count); and failed to file a ballot measure contribution report within 10 business days of making a contribution on October 8, 2008, totaling five thousand dollars (\$5,000) or more to support or oppose the qualification or passage of a single state ballot measure, in violation of Government Code Section 84204.5 (1 count). Total proposed penalty: **\$5,000.**
- 12. In the Matter of League of Placer County Taxpayers and Michael Musolino, FPPC No. 12/949.** Staff: Commission Counsel Zachary Norton and Political Reform Consultant Teri Rindahl. Respondent, League of Placer County Taxpayers, qualified a primarily formed ballot measure committee that supported the election of two candidates; Bonnie Gore and Carol Garcia, and opposed a third; Phil Ozenick, all of whom appeared on the ballot as Roseville City Council candidates in the November 6, 2012 election. Respondent, Michael Musolino, was the Treasurer for the committee at all times relevant. Respondents failed to timely file a second pre-election campaign statement covering the period October 1, 2012, through October 20, 2012, due October 25, 2012, in violation of Government Code Sections 84200.5, subdivision (b), and 84200.7 (1 count) and failed to timely file a late contribution report in violation of Government Code Sections 84203, subdivision (a) and 84605, subdivision (a) (2) (1 count). **Total Proposed Penalty: \$4,500.**

- 13. In the Matter of William Lee, FPPC No. 12/607.** Staff: Senior Commission Counsel Dave Bainbridge and Special Investigator Beatrice Moore. Respondent, William Lee (“Respondent Lee”), ran for a Director position on the Marina Coast Water District Board in 2010. The Committee to Elect William Lee Marina Coast Water District November 2, 2010 was his campaign committee. Respondents violated the Political Reform Act by using Respondent Lee’s personal bank account to deposit campaign contributions and make campaign expenditures in violation of Government Code Section 85201, subdivisions (c) and (e) (1 count), and failing to maintain adequate campaign records in violation of Government Code Section 84104 (1 count). **Total Proposed Penalty: \$4,500.**
- 14. In the Matter of Jasvir Sidhu, FPPC No. 12/865.** Staff: Senior Commission Counsel Neal Bucknell and Special Investigator Annaraine Diaz. Respondent, Jasvir Sidhu, was a successful candidate for the Sierra View Local Health Care District Board of Directors in the election held on November 6, 2012. In this matter, Respondent failed to file pre-election campaign statements covering the periods July 1, 2012, through September 30, 2012, due October 5, 2012 and October 1, 2012, through October 20, 2012, due October 25, 2012, in violation of Government Code Sections 84200.5, subdivision (b), and 84200.7, subdivision (b) (1 count). **Total Proposed Penalty: \$2,000.**
- 15. In the Matter of Ventura County Medical Association PAC and Mary Carr, FPPC No. 13/308.** Staff: Legal Analyst Tracey Frazier and Law Clerk Robert Binning. Respondent, Ventura County Medical Association PAC, and its Treasurer, Mary Carr, failed to timely file eight consecutive recipient committee campaign disclosure statements from January of 2009, through December of 2012, in violation of Government Code Section 84200 (8 counts). **Total Proposed Penalty: \$1,600.**
- 16. In the Matter of Bruce Q. Tran and Bruce Tran for Mayor of Westminster 2010, FPPC No. 12/180.** Staff: Senior Commission Counsel Angela Brereton and Special Investigator Lee Myers. Respondents, Bruce Q. Tran, an unsuccessful candidate for Mayor of the City of Westminster in the November 2, 2010 election, and his controlled committee, failed to timely file a Form 460 Recipient Committee Campaign Statement covering the period October 17, 2010, through December 31, 2010, due January 31, 2011, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$1,000.**

- 17. In the Matter of Sal Torres, Friends of Sal Torres, and Leslie Torres, FPPC No. 13/064.** Staff: Executive Fellow Adam Silver and Political Reform Consultant Teri Rindahl. Respondent, Sal Torres, a candidate for re-election to the Daly City Council in the November 6, 2012 election, and his candidate controlled committee, Friends of Sal Torres, failed to timely file a semi-annual campaign statement covering the period October 21, 2012, through December 31, 2012, due January 31, 2013, in violation of Government Code Section 84200, subdivision (a) (1 count). **Total Proposed Penalty: \$1,000.**
- 18. In the Matter of Seven Hills Land and Cattle Company, LLC; Reverage Anselmo, FPPC No. 13/238.** Staff: Political Reform Consultant JeanetteTurvill. Respondent, Seven Hills Land & Cattle LLC, and its owner Reverage Anselmo of Shingletown, failed to timely file a semi-annual campaign statement covering the period January 1, 2012, through June 30, 2012, due July 31, 2012, disclosing contributions totaling \$31,900 and a semi-annual campaign statement for the period July 1, 2012, through December 31, 2012, due January 31, 2013, disclosing contributions totaling \$12,700 in violation of Government Code Section 84200, subdivision (a) (2 counts). **Total Proposed Penalty: \$800.**
- 19. In the Matter of Sutter County Republican Central Committee and Stephen Elliott, FPPC No. 13/535.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents, Sutter County Republican Central Committee, and its Treasurer, Stephen Elliott, failed to timely file three campaign statements covering the periods January 1, 2012, through June 30, 2012, due on July 31, 2012, July 1, 2012, through September 30, 2012, due on October 5, 2012, and October 1, 2012, through December 31, 2012, due January 31, 2013, with the Secretary of State in violation of Government Code Sections 84200 and 84200.5. (3 counts). **Total Proposed Penalty: \$600.**
- 20. In the Matter of Janan Hebert, FPPC No. 11/1174.** Staff: Legal Analyst Tracey Frazier. Respondent, Janan Hebert, as a Chowchilla City Council Member and former Mayor, failed to timely file Short Form 470 Officeholder Campaign Statement for the 2011 calendar year in violation of Government Code Sections 84200 and 87206 (1 count). **Total Proposed Penalty: \$400.**

21. **In the Matter of Maritza R. Molina, FPPC No. 12/741.** Staff: Law Clerk, Emma Olson. Respondent, Maritza R. Molina, as a candidate for the Centinela Valley School Board of Education, failed to timely file the semi-annual statement short form covering January 1, 2012, through December 31, 2012, due July 31, 2012, with the Los Angeles County Registrar-Recorder/County Clerk in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**
22. **In the Matter of Operative Plasterers and Cement Masons International Association Local 200 PAC, FPPC No. 13/444.** Staff: Legal Analyst Tracey Frazier and Law Clerk Emma Olson. Respondent, Operative Plasterers and Cement Masons International Association Local 200 PAC, failed to timely file Short Form 450 Recipient Committee Campaign Statement covering the 2012 calendar year in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

Lobbying Reporting

23. **In the Matter of Brencourt Advisors, LLC, FPPC No. 13/122.** Staff: Legal Analyst Tracey Frazier and Law Clerks Elizabeth Smutz and Anthony Mendoza. Respondents, Brencourt Advisors, LLC and its Responsible Officer, Brian Collins, failed to timely file two Form 635 Lobbyist Employer Reports covering the periods July 1, 2011, through September 30, 2011, and October 1, 2011, through December 31, 2011, failing to disclose total payments made for lobbying services in the amount of \$125,000, in violation of Government Code Sections 86115, 86117, 84605 (2 counts). **Total Proposed Penalty: \$2,000.**
24. **In the Matter of AMN Healthcare, Inc., FPPC No. 13/273.** Staff: Legal Analyst Tracey Frazier and Law Clerk Robert Binning. Respondent, AMN Healthcare, Inc., failed to timely disclose \$91,296.72 in lobbying activity over six reporting periods during the 2011/2012 legislative session in violation of Government Code Sections 86115, 86116, and 84605 (6 counts). **Total Proposed Penalty: \$1,200.**
25. **In the Matter of California State Student Association, FPPC No. 13/123.** Staff: Legal Analyst Tracey Frazier and Law Clerk Robert Binning. Respondent, California State Student Association, failed to timely disclose \$14,674 in lobbying activity over two reporting periods during the 2011/2012 legislative session in violation of Government Code Sections 86115, 86116, and 84605 (2 counts). **Total Proposed Penalty: \$400.**

- 26. In the Matter of California Employment Law Council, FPPC No. 13/489.** Staff: Legal Analyst Tracey Frazier and Law Clerk Emma Olson. Respondents, California Employment Law Council, a California lobbyist employer, and Paul Grossman, California Employment Law Council's General Counsel and Responsible Officer, failed to timely file Form 635 Lobbyist Employer Report covering the periods July 1, 2012, through December 31, 2012, failing to disclose total payments made for lobbying services in the amount of \$30,672.12, in violation of Government Code Sections 86115, 86116, 86117, and 84605 (2 counts). **Total Proposed Penalty: \$400.**
- 27. In the Matter of Antonio Gonzalez, FPPC No. 13/397.** Staff: Legal Analyst Tracey Frazier and Law Clerks Emma Olson and Robert Binning. Respondents, William C. Velasquez Institute, a California lobbyist employer, and Antonio Gonzalez, William C. Velasquez Institute's President and Responsible Officer, failed to timely file Form 635 Lobbyist Employer Report covering the period April 1, 2012, through June 30, 2012, failing to disclose total payments made for lobbying services in the amount of \$6,000, in violation of Government Code Sections 86115, 86116, 86117, and 84605 (1 count). **Total Proposed Penalty: \$200.**

Statement of Economic Interest – Non-Reporting

- 28. In the Matter of Guillermo Marrero, FPPC No. 13/097.** Staff: Senior Commission Counsel Dave Bainbridge and Special Investigator Beatrice Moore. Respondent, Guillermo Marrero, while serving as a Director on the Western Hills Water District Board of Directors, failed to timely disclose income received from World International, Inc. on his Assuming Office Statement of Economic Interests and 2008 Annual Statement of Economic Interests in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$400.**
- 29. In the Matter of Douglas Kearny, FPPC No. 13/096.** Staff: Senior Commission Counsel Dave Bainbridge and Special Investigator Beatrice Moore. Respondent, Douglas Kearny, while serving as a Director on the Western Hills Water District Board of Directors, failed to timely disclose income received from World International, Inc. on his Assuming Office Statement of Economic Interests and 2009 Annual Statement of Economic Interests in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$400.**

- 30. In the Matter of Carmen Kearny, FPPC No. 13/095.** Staff: Senior Commission Counsel Dave Bainbridge and Special Investigator Beatrice Moore. Respondent, Carmen Kearny, while serving as a Director on the Western Hills Water District Board of Directors, failed to timely disclose income received from World International, Inc. on her Assuming Office Statement of Economic Interests and 2009 Annual Statement of Economic Interests in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$400.**
- 31. In the Matter of Ruby Beltran, FPPC No. 13/092.** Staff: Senior Commission Counsel Dave Bainbridge and Special Investigator Beatrice Moore. Respondent, Ruby Beltran, while serving as a Director on the Western Hills Water District Board of Directors, failed to timely disclose income received from World International, Inc. on her Assuming Office Statement of Economic Interests and 2009 Annual Statement of Economic Interests in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$400.**
- 32. In the Matter of Evelyn Reeves, FPPC No. 12/794.** Staff: Legal Analyst Tracey Frazier and Law Clerk Robert Binning. Respondent, Evelyn Reeves, as a member of the Los Angeles County Assessment Appeals Board, failed to timely disclose economic interests in stocks and mutual funds, rental income from two properties in Los Angeles, and income from a company she owned, on her 2011 Annual Statement of Economic Interests covering the period January 1, 2011, through December 31, 2011, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

Receipt of Gift Over the Limit

- 33. In the Matter of Jerome Moss; 12/952.** Staff: Legal Analyst Tracey Frazier and Law Clerk Michael Hamilton. Respondent, Jerome Moss, former Member of the Horse Racing Commission, received a gift exceeding the applicable gift limit for 2011 in violation of Government Code Section 89503 (1 count). **Total Proposed Penalty: \$200.**

Statement of Economic Interests – Non-Filer

- 34. In the Matter of Samuel Moore, FPPC No. 12/354 (Default Decision).** Staff: Senior Commission Counsel Angela Brereton and Special Investigator Beatrice Moore. Respondent, Samuel Moore, was elected as a Board Member of the Newcastle Elementary School District in November 2008 and again in November 2012, and currently serves as the Board President. As a Board Member of the Newcastle Elementary School District, Respondent was required to file Annual Statements of Economic Interests for calendar years 2009, 2010, and 2011. In this matter, Respondent failed to file a 2009 Annual Statement of Economic Interests by the April 1, 2010 deadline, failed to file a 2010 Annual Statement of Economic Interests by the April 1, 2011 deadline, and failed to file a 2011 Annual Statement of Economic Interests by the April 2, 2012 deadline, in violation of Government Code Section 87203 (3 counts). **Total Proposed Penalty: \$6,000.**
- 35. In the Matter of Jonathan Leone, FPPC No. 11/932 (Default Decision).** Staff: Chief of Enforcement Gary Winuk, Legal Analyst Tracey Frazier, and Law Clerk Michael Hamilton. Respondent, Jonathan Leone, is a member of the Sausalito City Council. As a member of the Sausalito City Council, Respondent was required to file an Annual Statement of Economic Interests for the 2010 and 2011 calendar year. In this matter, Respondent failed to timely file his Annual Statement of Economic Interests for the period covering January 1, 2010, through December 31, 2010, and January 1, 2011, through December 31, 2011, by April 1, 2011 and April 2, 2012, respectively, in violation of Government Code Section 87203 (2 counts). **Total Proposed Penalty: \$4,000.**
- 36. In the Matter of Aurelio Salazar Jr., FPPC No. 12/992.** Staff: Legal Analyst Tracey Frazier and Law Clerk Michael Hamilton. Respondent, Aurelio Salazar Jr., Monterey County Planning Commissioner, failed to timely file his Annual Statement of Economic Interests, covering the 2011 calendar year, due April 2, 2012, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**
- 37. In the Matter of William Jensen, FPPC No. 12/945.** Staff: Executive Fellow Adam Silver and Political Reform Consultant Teri Rindahl. Respondent, William Jensen, as a member of the City of Hesperia 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.**

Mass Mailing

- 38. In the Matter of Election Digest-A Project of The Coalition for Literacy and Tracey Pomerance-Poirier, FPPC No. 13/107.** Staff: Commission Counsel Zachary Norton and Political Reform Consultant Teri Rindahl. Respondent, Election Digest-A Project of The Coalition for Literacy, is a slate mailer organization. Respondent, Tracey Pomerance-Poirier, formed Respondent Election Digest and directed its activity. Respondents violated the Political Reform Act by failing to print the required wording of the “Notice to Voters” in a color or print which contrasts with the background so as to be easily legible, on slate mailers sent in connection with the November 6, 2012, election, in violation of Government Code Section 84305.5 subdivision (a)(2) (1 count). **Total Proposed Penalty: \$3,000.**
- 39. In the Matter of Jerald “Jerry” Hyde, FPPC No. 12/927.** Staff: Senior Commission Counsel Angela Brereton and Special Investigator Ann Flaherty. Respondent, Jerald “Jerry” Hyde, qualified as an independent expenditure committee in October 2012. In this matter, Respondent violated the mass mailing sender identification provisions of the Political Reform Act when he paid for and caused to be sent a mass mailing expressly advocating the defeat of a local school bond measure in the November 6, 2012, election, which failed to display required sender identification, in violation of Government Code Section 84305, subdivision (a) (1 count). **Total Proposed Penalty: \$2,000.**
- 40. In the Matter of Howard Gustafson, FPPC No. 11/872.** Staff: Senior Commission Counsel Dave Bainbridge. Respondent, Howard Gustafson, unsuccessfully ran for a seat on the Marina Coast Water District in 2010. During the campaign, Respondent and two other candidates jointly produced and sent three sets of mass mailers. The mass mailers did not contain required identifying information for Respondent, specifically the street address and city of his campaign committee, in violation of Government Code Section 84305, subdivision (a) (1 count). **Total Proposed Penalty: \$1,000.**

Major Donor

- 41. In the Matter of Cynthia Giumarra, FPPC No. 13/541.** Staff: Political Reform Consultant Teri Rindahl. Respondent, Cynthia Giumarra, and affiliated entities, failed to timely file Form 461 Major Donor Committee Campaign Statements for 2010 through 2012 in violation of Government Code Section 84200 (3 counts). Respondents also failed to timely file Form 497 Late Contribution Reports covering the periods October 19, 2010, due October 20, 2010, February 29, 2011, due March 1, 2011, and May 23, 2012, due May 24, 2012, with the Secretary of State in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$3,799.**
- 42. In the Matter of Salvadore Giumarra, FPPC No. 13/540.** Staff: Political Reform Consultant Teri Rindahl. Respondent, Salvadore Giumarra, and affiliated entities, failed to timely file Form 461 Major Donor Committee Campaign Statements for 2010 in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$400.**

GENERAL ITEMS 43 - 48

- 43. Assignment of Hearing to Administrative Law Judge (“ALJ”) – McGhee: In the Matter of James McGhee (FPPC Case No. 12/321).** Staff: Commission Counsel Milad Dalju.
- 44. Request for Administrative Hearing by Commission – Reed: In the Matter of Charles R. “Chuck” Reed, San José Fiscal Reforms, Mayor Reed, Chamber PAC And Issues Mobilization PAC Proponents, and Benjamin J. Roth (FPPC Case No. 12/761).** Staff: Senior Commission Counsel Angela Brereton.
- 45. Regulation 18421.5: Reporting an Expenditure for Paid Online Communications.** Staff: General Counsel Zackery P. Morazzini and Senior Commission Counsel Heather M. Rowan. Staff proposes that the Commission adopt Regulation 18421.5 to create a more specific and easily identifiable report of when a committee pays a person or group to create online content on behalf of the committee.

- 46. Regulations 18944, 18950 - 18950.4 and 18727.5: Gift and Travel Payments.** Staff: General Counsel Zackery P. Morazzini and Senior Commission Counsel William J. Lenkeit. Staff proposes to revise and update the gift regulations pertaining to payments made to government agencies, to clarify and simplify the organization of the travel regulations and to make substantive changes to the “personal benefit” language under the definition of gift as it applies to travel payments made for official government business.
- 47. Opinion Request, *In re Riemer*.** Staff: General Counsel Zackery P. Morazzini: The Commission is asked by Davis Riemer, a member of the Alameda-Contra Costa Transit District Retirement System, for an exemption from the Act’s general requirement that he 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 staff and, as required under the regulation, is now presented to the Commission for final determination. The Commission may ratify the tentative decision by issuing an opinion, *In re Riemer*, or may order disclosure by Mr. Riemer.
- 48. Ratification of Commission Position on Legislation.** Staff: General Counsel Zackery P. Morazzini, Legislative Coordinator Sukhi Brar: The Commission is asked to ratify the action of the Chair to sponsor Assembly Bill 409.

EXECUTIVE STAFF REPORTS ITEM 49

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 TAD, Lynda Cassady