



NOTICE AND AGENDA Commission Meeting¹

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

Thursday, February 18, 2016
10:00 A.M.

Under Government Code section 11123(a), all meetings of a state body are open and public, and all persons are permitted to attend any meeting of a state body, except as otherwise provided in that article. The section further states that the portion of the teleconferenced meeting that is required to be open to the public must be audible to the public at the location specified in the notice of the meeting. The Commission may take action on any item listed on this agenda.

Welcome

Jodi Remke, FPPC Chair

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.

Approval of Commission Minutes

- 2. Approval of January 2016 Commission Hearing Minutes.**

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. Email comment letters directly to CommAsst@fppc.ca.gov.

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 (877) 411-9748; 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.

Consent Calendar 3 – 28

Enforcement Matters

Mass Mailer

- 3. In the Matter of Tony Bushala; FPPC No. 14/055.** Staff: Commission Counsel Zachary W. Norton and Special Investigator Jeffrey Kamigaki. Prior to the 2012 election, Tony Bushala paid for and caused to be sent a mass mailer, on or about October 31, 2012, opposing Jan Flory and supporting Jane Rands and Barry Levinson for Fullerton City Council 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.**

Statement of Economic Interests – Non Reporter

- 4. In the Matter of David Eastham; FPPC No. 14/873.** Staff: Commission Counsel Tanya Smith. David Eastham, as a Helicopter Maintenance Chief for the Los Angeles County Fire Department, failed to disclose income from Guardian Helicopters, Inc., and Rotary Wing Services, Inc., on his 2010 through 2014 Annual Statements of Economic Interests, in violation of Government Code Sections 87300 and 87302 (2 counts). **Total Proposed Penalty: \$2,500.**

Campaign Non-Filer

- 5. In the Matter of Wendy Albright and Wendy Albright 38th County Central Committee 2012; FPPC No. 13/1234 (Default Decision).** Staff: Commission Counsel Michael W. Hamilton. Wendy Albright was a successful candidate for the 38th County Republican Central Committee in Los Angeles County. Albright and Wendy Albright 38th County Central Committee 2012 failed to timely file two semiannual campaign statements for the January 1, 2013 through June 30, 2013, and the July 1, 2013 through December 31, 2013 reporting periods, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$10,000.**
- 6. In the Matter of Incorporate Olympic Valley PAC; FPPC No. 14/411.** Staff: Senior Commission Counsel Bridgette Castillo and Special Investigator Jeffrey Kamigaki. Incorporate Olympic Valley PAC (“Committee”), a primarily formed committee to support a LAFCO proposal, failed to timely file monthly campaign statements for the period of July 15, 2013 through July 15, 2014, in violation of Government Code section 84252 (1 count). **Total Proposed Penalty: \$2,500.**

- 7. In the Matter of Democratic Foundation of Orange County, Glen Hatton; FPPC File No. 15/2190.** Staff: Political Reform Consultant Jeanette Turvill. Democratic Foundation of Orange County, a general purpose committee, and its treasurer Glen Hatton, failed to timely file a semiannual campaign statement for the period of July 1, 2014 through December 31, 2014, a semiannual campaign statement for the period of January 1, 2015 through June 30, 2015, and a 24-hour report for three \$1,000 contributions it made in connection with the November 4, 2014 election, in violation of Government Code Sections 84200 and 84203 (3 counts). **Total Proposed Penalty: \$940.**
- 8. In the Matter of Progressive Democratic Club; FPPC No. 15/1310.** Staff: Senior Commission Counsel Bridgette Castillo and Special Investigator Garrett Micheels. Progressive Democratic Club failed to timely file three semiannual campaign statements for the January 1, 2014 through June 30, 2014, the July 1, 2014 through December 31, 2014, and the January 1, 2015 through June 30, 2015 reporting periods, in violation of Government Code Section 84200 (3 counts). **Total Proposed Penalty: \$664.32.**
- 9. In the Matter of Marc A. Gibbons for Superior Court Judge 2014; FPPC No. 14/1266.** Staff: Commission Counsel Tanya Smith. Marc Gibbons was an unsuccessful candidate for Superior Court Judge in Los Angeles County in the June 3, 2014 Primary Election. Marc A. Gibbons for Superior Court Judge was his candidate-controlled committee. Gibbons failed to timely file a preelection campaign statement for the reporting period of March 18, 2014 through May 17, 2014. He also failed to timely file a semiannual campaign statement for the reporting period of May 18, 2014 through June 30, 2014, in violation of Government Code Sections 84200 and 84200.5 (2 counts). **Total Proposed Penalty: \$578.**
- 10. In the Matter of Committee To Defeat Leff Brown For School Board 2014, Susan Hollingsworth, and Nicole Lahee; FPPC File No. 14/1283.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Law Clerk Sean Creadick. Committee to Defeat Leff Brown for School Board 2014, a Sonoma County primarily formed candidate committee, principal officer Nicole Lahee, and its treasurer Susan Hollingsworth, failed to timely file a preelection campaign statement for the reporting period of January 1, 2014 through October 18, 2014, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$234.**

11. In the Matter of Donna Foster-Rebusch, Donna Foster-Rebusch MHUSD - 2014, and Kathleen Spencer; FPPC No. 15/1385. Staff: Political Reform Consultant Adrienne Korchmaros. Morgan Hill Unified School District Board Member Donna Foster-Rebusch, her committee Donna Foster-Rebusch MHUSD - 2014, and Kathleen Spencer as Treasurer failed to timely file a semiannual campaign statement covering the period of January 1, 2015 through June 30, 2015 with the Santa Clara County Registrar of Voters in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$203.**

12. In the Matter of Armin Reyes; FPPC No. 15/1574. Staff: Political Reform Consultant Adrienne Korchmaros. ABC Unified School District Board Member Armin Reyes failed to timely file a campaign short form statement covering the period of January 1, 2015 through December 31, 2015 with the Los Angeles County Registrar-Recorder/County Clerk in violation of Government Code Section 84206 (1 count). **Total Proposed Penalty: \$200.**

13. In the Matter of Eleanor Brown, Eleanor Brown for Sacramento County Board of Education – District 4, and Patricia Stilwell, Treasurer; FPPC No. 15/1484. Staff: Political Reform Consultant Adrienne Korchmaros. Sacramento County Board of Education – District 4 Board Member Eleanor Brown, her committee Eleanor Brown for Sacramento County Board of Education – District 4 and Patricia Stilwell as Treasurer failed to timely file a semiannual campaign statement covering the period of January 1, 2015 through June 30, 2015 with the Sacramento County Registrar of Voters in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

Statement of Economic Interests – Non-Filer

14. In the Matter of Jim Dodson; FPPC No. 14/1051. Staff: Assistant Chief of Enforcement Dave Bainbridge and Law Clerk Ryan Mahoney. Jim Dodson, a former member of the Desert and Mountain Conservation Authority in Los Angeles County, failed to timely file a 2011, 2012, and 2013 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (3 counts). **Total Proposed Penalty: \$600.**

15. In the Matter of David Mendez; FPPC No. 15/1341. Staff: Political Reform Consultant Teri Rindahl. David Mendez, as a Planning Commissioner with the City of King, failed to timely file a 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$300.**

16. In the Matter of Wyatt Allen; FPPC No. 15/2200. Staff: Political Reform Consultant Teri Rindahl. Wyatt Allen, as a Member with the Lakeside Community Planning Group, failed to timely file a 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

17. In the Matter of Russell Correia; FPPC No. 15/2229. Staff: Political Reform Consultant Teri Rindahl. Russell Correia, as an Alternate Member with the Juvenile Justice Coordinating Council, failed to timely file a 2014 Annual Statement of Economic Interests with the County of Santa Clara Clerk of the Board, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

Annual Fee

18. In the Matter of American Federation of State, County, and Municipal Employees, AFL-CIO, Council 36; FPPC No. 15/393. Staff: Senior Commission Counsel Bridgette Castillo. American Federation of State, County, and Municipal Employees, AFL-CIO, Council 36, a state general purpose committee, failed to pay the 2013 \$50 annual fee to the Secretary of State's Office, in violation of Government Code Section 84101.5. **Total Proposed Penalty: \$400.**

19. In the Matter of League of Placer County Taxpayers; FPPC No. 15/796. Staff: Commission Counsel Michael W. Hamilton. The League of Placer County Taxpayers, a county general purpose committee, failed to pay the 2013 \$50 annual fee to the Secretary of State's Office, in violation of Government Code Section 84101.5. **Total Proposed Penalty: \$400.**

20. In the Matter of the Committee to Elect Steve Hofbauer Palmdale City Council 2011 and Steven D. Hofbauer, Treasurer; FPPC No. 15/2121. Staff: Commission Counsel Michael W. Hamilton. Steve Hofbauer, member of the Palmdale City Council, and the Committee to Elect Steve Hofbauer Palmdale City Council 2011 failed to pay the 2014 \$50 annual fee to the Secretary of State's Office, in violation of Government Code Section 84101.5. **Total Proposed Penalty: \$400.**

21. In the Matter of A Committee Against Measure G Kern Citizens for Patient Rights and Elizabeth Clarke, Treasurer; FPPC No. 15/2150. Staff: Commission Counsel Michael W. Hamilton. A Committee Against Measure G Kern Citizens for Patient

Rights, a Kern County primarily formed measure committee, and Elizabeth Clarke failed to pay the 2014 \$50 annual fee to the Secretary of State's Office, in violation of Government Code Section 84101.5. **Total Proposed Penalty: \$400.**

22. In the Matter of Vernon Kurpieski for City Council 2014; FPPC No. 15/780. Staff: Commission Counsel Michael W. Hamilton. Vernon Kurpieski, candidate for the Concord City Council, and Vernon Kurpieski for City Council 2014 failed to pay the 2013 \$50 annual fee to the Secretary of State's Office, in violation of Government Code Section 84101.5. **Total Proposed Penalty: \$200.**

23. In the Matter of San Francisco Young Democrats; FPPC No. 15/1412. Staff: Senior Commission Counsel Bridgette Castillo. San Francisco Young Democrats, a city general purpose committee, failed to pay the 2013 \$50 annual fee to the Secretary of State's Office, in violation of Government Code Section 84101.5. **Total Proposed Penalty: \$200.**

24. In the Matter of Friends of Mia Ousley for City Council 2014 and April Jorden, Treasurer; FPPC No. 15/2112. Staff: Commission Counsel Michael W. Hamilton. Mia Ousley, candidate for the San Leandro City Council, Friends of Mia Ousley for City Council 2014, and April Jorden failed to pay the 2014 \$50 annual fee to the Secretary of State's Office, in violation of Government Code Section 84101.5. **Total Proposed Penalty: \$200.**

25. In the Matter of Karen Hemphill for School Board 2014 and Karen Hemphill, Treasurer; FPPC No. 15/2123. Staff: Commission Counsel Michael W. Hamilton. Karen Hemphill, member of the Berkeley Board of Education, and Karen Hemphill for School Board 2014 failed to pay the 2014 \$50 annual fee to the Secretary of State's Office, in violation of Government Code Section 84101.5. **Total Proposed Penalty: \$200.**

26. In the Matter of Esparza for School Board 2012 and Aimee Escobar, Treasurer; FPPC No. 15/2161. Staff: Senior Commission Counsel Bridgette Castillo. Esparza for School Board 2012, Alexandria Esparza, a candidate for Franklin-McKinley School Board, and Aimee Escobar failed to pay the 2014 \$50 annual fee to the Secretary of State's Office, in violation of Government Code Section 84101.5. **Total Proposed Penalty: \$200.**

27. In the Matter of Phil Tsunoda for City Council and Christina Zabat-Fran, Treasurer; FPPC No. 15/2260. Staff: Commission Counsel Michael W. Hamilton. Phil Tsunoda, member of the Aliso Viejo City Council, Phil Tsunoda for City Council, and Christina Zabat-Fran failed to pay the 2014 \$50 annual fee to the Secretary of State's Office, in violation of Government Code Section 84101.5. **Total Proposed Penalty: \$200.**

28. In the Matter of Kern Water, A Matter of Life, for Wulff Board of Directors 2014 Supported by Eric Averett and Eric L. Averett, Treasurer; FPPC No. 15/2183. Staff: Senior Commission Counsel Bridgette Castillo. Kern Water, A Matter of Life, for Wulff Board of Directors 2014 Supported by Eric Averett, a local primarily formed committee, and Eric L. Averett failed to pay the 2014 \$50 annual fee to the Secretary of State's Office, in violation of Government Code Section 84101.5. **Total Proposed Penalty: \$200.**

Enforcement Informational Item 29

Laundering Campaign Contributions Joint Investigation (No Action Agenda Item)

29. In the Matter of Son Truong Nguyen; FPPC No. 14/376. Staff: Chief of Enforcement Galena West and Special Investigators Lee Myers and Ann Flaherty. Mr. Nguyen illegally reimbursed campaign contributors for Janet Nguyen's 2012 Orange County Board of Supervisors election on 10 different occasions. He reimbursed a total of \$13,300. As part of a joint effort by the Orange County District Attorney's office and the FPPC Enforcement Division, Mr. Nguyen pled guilty to 10 misdemeanor counts of violating Government Code Section 84301 making contributions in the name of another. His sentence, which was imposed by the Orange County Superior Court, included: three years of informal probation, a donation of \$5,000 to Victim Witness Emergency Fund, performance of 40 hours of community service in lieu of jail, prohibition from being involved in any political campaigns during the duration of his probation, and a payment of \$20,000 to the General Fund of the State of California within three months of his plea date as a result of the FPPC's pro-active investigation.

General Items 30-32

30. Regulatory Clean-Up Packet for 2015 Legislation. Staff: Hyla Wagner, General Counsel, John Wallance, Assistant General Counsel, and Cesar Cuevas, Legal Analyst. Staff recommends adoption of the regulatory changes to ensure that Commission regulations are consistent with recently enacted legislation. These are technical “clean-up” amendments to Regulations 18215.3, 18247.5, 18404, 18405, 18422, 18425, 18427.1, 18450.4, 18531.5, and 18531.62, and to repeal Regulation 18402.5.

31. Political Reform Act Revision Project. Staff: Executive Director Erin Peth. One year project to transform, renew and update the Political Reform Act. The overarching goal is to streamline and simplify the Act by minimizing legalese, reorganizing sections, incorporating key provisions from Regulations, and repealing statues that are inoperative. Commission staff is working in partnership with the California Constitution Center at the University of California Berkeley School of Law, University of California Davis School of Law, and California Forward. An initial draft will be distributed for public comment, including to advocacy groups, local ethics commissions and the regulated community. Once approved by the Commission, the Act will be submitted to the Legislature for consideration in 2017.

32. Legislative Update for February 2016. Staff: Phillip Ung, Legislative and External Affairs Director. The Legislature began the second year of the 2015-2016 Legislative Session on January 4, 2016. This report includes a summary of the four bills currently pending before the Legislature that would impact the Political Reform Act and Government Code Section 1090.

Executive Staff Reports Item 33

33. Executive Staff Reports.

Enforcement Division. Galena West, Enforcement Chief
Legal Division. Hyla P. Wagner, General Counsel
External Affairs and Education. Tara Stock, Manager