



NOTICE AND AGENDA Commission Meeting¹

California Fair Political Practices Commission
1102 Q Street, Suite 3800
Sacramento, CA 95811

Thursday, April 19, 2018
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.

Please note that the Commission may take a lunch break at approximately 12:30 p.m.

Commissioner Audero will attend this meeting of the Commission via teleconference from:

Paul Hastings LLP
515 S. Flower Street, 25th Floor
Conference Room 2509
Los Angeles, CA 90071

Welcome

Jodi Remke, FPPC Chair

¹You can obtain further information about the meeting by contacting the Commission Assistant, 1102 Q Street, Suite 3000, Sacramento, CA, 95811, 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 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 [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), CommAsst@fppc.ca.gov (e-mail) and ADACoordinator@fppc.ca.gov. 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 three business days between the request and the meeting date.

Public Comment

1. **Public Comment for Items not on Agenda.** During this comment period, any person is invited to speak on any topic that is not listed on this agenda. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on a future agenda. Those who wish to comment on an item that has been listed on this agenda may comment when that item has been opened for consideration by the Commission and before any action is taken.

Approval of Commission Minutes

2. **Approval of March 2018 Commission Hearing Minutes.**

Enforcement Consent Calendar 3-23

Items on the consent calendar will be taken up and voted on as a group. A Commissioner may request that an item be removed from consent, in which case it will be discussed separately in the meeting.

One Bank Account Rule/Personal Use

3. **In the Matter of Donna Munoz for County Supervisor 2016, Donna Munoz, and Max Hazard; FPPC No. 17/140.** Staff: Commission Counsel Christopher Burton. Donna Munoz was an unsuccessful candidate for San Bernardino County Supervisor in the June 7, 2016 Primary Election. Donna Munoz for County Supervisor 2016 was Munoz's candidate-controlled committee. Max Hazard was the Committee's treasurer. The Committee, Munoz, and Hazard failed to timely file 24-Hour Reports, in violation of Section 84203 (1 count); failed to pay expenses from the designated campaign bank account, in violation of Section 85201, subdivisions (d) and (e) (1 count); and made expenditures of campaign funds not related to a political, legislative, or governmental purpose, in violation of Section 89512 (1 count). **Total Proposed Penalty: \$6,500.**

Campaign Contribution Limit Violations

4. **In the Matter of IBEW Local 1245 Political Action Committee, Cecelia De La Torre, and Tom Dalzell; FPPC No. 17/597.** Staff: Commission Counsel Christopher Burton. IBEW Local 1245 Political Action Committee is a state general purpose committee. Cecelia De La Torre is the Committee's treasurer. Tom Dalzell is the Committee's principal officer. The Committee, De La Torre, and Dalzell made campaign contributions to a candidate that exceeded the campaign contribution limit for State Assembly candidates, in violation of Government Code Section 85301, subdivision (a); and Regulation 18545, subdivision (a)(1) (1 count). **Total Proposed Penalty: \$3,000.**

Cash Contributions

- 5. In the Matter of Committee to Elect Sandra Brown for Sheriff 2014, Sandra Brown and Edward Murray; FPPC No. 17/071.** Staff: Senior Commission Counsel Bridgette Castillo. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. Sandra Brown was an unsuccessful candidate in the June 3, 2014 Primary Election. Committee to Elect Sandra Brown 2014 was her candidate-controlled committee. Edward Murray was the Committee's treasurer. The Committee, Brown and Murray accepted 12 cash contributions of \$100 or more, in violation of Government Code Sections 84300, subdivisions (a) and (c) (1 count). **Total Proposed Penalty: \$2,000.**

Mass Mailing at Public Expense

- 6. In the Matter of Imperial Irrigation District; FPPC No. 17/1176.** Staff: Senior Commission Counsel Angela Brereton. Imperial Irrigation District, a public agency providing water and energy to Imperial County and parts of Riverside and San Diego counties, produced and sent approximately 152,000 copies of a newsletter in or about September 2017, at public expense. These newsletters featured the photograph and name of a governing board member, in violation of Government Code Section 89001 (1 count). **Total Proposed Penalty: \$2,000.**

Lobbying Non-Filer

- 7. In the Matter of Golden State Manufactured-Home Owners League, Inc. and Tim Sheahan; FPPC No. 17/463 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Golden State Manufactured-Home Owners League, Inc., a lobbyist employer, failed to timely file six lobbyist employer reports for the reporting periods of January 1, 2016 through June 30, 2017, in violation of Government Code Section 86117 (6 counts). **Total Proposed Penalty: \$1,733.**
- 8. In the Matter of Strategies to Empower People (STEP); FPPC No. 18/14 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Strategies to Empower People (STEP), a lobbyist employer, failed to timely file two lobbyist employer reports covering the periods of October 1, 2016 through March 31, 2017, in violation of Government Code Section 86117 (2 counts). **Total Proposed Penalty: \$860.**
- 9. In the Matter of Brain Injury Association of California; FPPC No. 17/689 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Brain Injury Association of California, a lobbyist employer, failed to timely file three lobbyist employer reports for the reporting periods of April 20, 2016 through December 31, 2016, in violation of Government Code Section 86117 (3 counts). **Total Proposed Penalty: \$600.**

Campaign Non-Filer

- 10. In the Matter of Sullivan Luxury Cars, LLC dba Lexis Santa Monica; FPPC No. 17/1455 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. In September 2016, Sullivan Luxury Cars, LLC dba Lexis Santa Monica qualified as a major donor committee and failed to timely file a major donor campaign statement for the reporting period covering January 1, 2016 through December 31, 2016, in violation of Government Code Sections 84200 (1 count); and failed to timely file 24-Hour Reports, in violation of Government Code Section 84203, subdivision (b) (1 count). **Total Proposed Penalty: \$800.**
- 11. In the Matter of Citizens for Accountable Government and Marilyn Will, Treasurer; FPPC No. 17/1383 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Citizens for Accountable Government was a local committee primarily formed to support two unsuccessful candidates for city council on the November 7, 2017 General Election ballot in the City of Palm Springs. Marilyn Will was the Committee's treasurer. The Committee and Will failed to timely file one pre-election campaign statement covering the reporting period of January 1, 2017 through October 21, 2017, in violation of Government Code Section 84200.5 (1 count); and failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (2 counts). **Total Proposed Penalty: \$741.**
- 12. In the Matter of Saint John's Health Center Foundation; FPPC No. 17/1454 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. Saint John's Health Center Foundation qualified as a major donor committee and failed to timely file a major donor campaign statement for the reporting period covering January 1, 2016 through December 31, 2016, in violation of Government Code Section 84200 (1 count); and failed to timely file a 24-Hour Report, in violation of Government Code Section 84203, subdivision (b) (1 count). **Total Proposed Penalty: \$600.**
- 13. In the Matter of Providence Saint John's Health Center; FPPC No. 17/1459 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. In October 2016, Providence Saint John's Health Center qualified as a major donor committee and failed to timely file a major donor campaign statement for the reporting period covering January 1, 2016 through December 31, 2016, in violation of Government Code Section 84200 (1 count); and failed to timely file a 24-Hour Report, in violation of Government Code Section 84203, subdivision (b) (1 count). **Total Proposed Penalty: \$600.**
- 14. In the Matter of Brian Contreras for City Council Area 1 2016, and Timothy Fitzgerald; FPPC No. 17/701 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Brian Contreras was an unsuccessful candidate for Salinas City Council in the November 8, 2016 General Election. Brian Contreras for City Council Area 1 2016 was his candidate-controlled committee. Timothy

Fitzgerald served as the Committee's treasurer. The Committee, Contreras, and Fitzgerald failed to timely file two semiannual campaign statements covering the reporting periods of October 23, 2016 through June 30, 2017, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$505.**

15. In the Matter of Rutger Parris for Water Board 2017 and Rutger Parris; FPPC No. 17/1339 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Rutger Parris was an unsuccessful candidate for the Quartz Hill Water District Board in the November 7, 2017 General Election. Rutger Parris for Water Board 2017 was his candidate-controlled committee. The Committee and Parris failed to timely file one pre-election campaign statement covering the reporting period of January 1, 2017 through September 23, 2017, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$219.**

16. In the Matter of Brian Stearns Lakeside Union High School Board 2016 and Brian Stearns; FPPC No. 17/587 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Brian Stearns was an unsuccessful candidate for the Lakeside Union High School Board in the November 8, 2016 General Election. Brian Stearns Lakeside Union High School Board 2016 was his candidate-controlled committee. The Committee and Stearns failed to timely file one semiannual campaign statement covering the reporting period of January 1, 2017 through June 30, 2017, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

Campaign Non-Reporter

17. In the Matter of American Federation of Teachers – Kids, Families and Teachers Supporting Torlakson for Superintendent of Public Instruction 2014 (MPO) and Loretta Johnson; FPPC No. 17/845. Staff: Commission Counsel Christopher Burton. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. American Federation of Teachers – Kids, Families and Teachers Supporting Torlakson for Superintendent of Public Instruction 2014 (MPO) was a committee primarily formed to support Tom Torlakson, a successful candidate for Superintendent of Public Instruction in the November 4, 2014 General Election. The Committee was sponsored by the American Federation of Teachers, AFL-CIO. Loretta Johnson was the Committee's treasurer. The Committee and Johnson failed to timely report independent expenditures on 24-Hour Reports, in violation of Government Code Section 84204 (1 count); and failed to timely report subvendor payments made during the reporting period of October 19, 2014 to December 22, 2014, in violation of Government Code Sections 84303 and 84211, subdivision (k)(6) (1 count). **Total Proposed Penalty: \$6,000.**

18. In the Matter of 2014 Committee to Elect Bill Sandke to City Council, Bill Sandke, and Katheryn Keitzer; FPPC No. 17/953 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. Bill Sandke was a successful candidate for the Coronado City Council in the November 4, 2014 General Election. 2014 Committee to Elect Bill Sandke to City Council is his candidate-controlled committee. Katheryn Keitzer is the Committee's treasurer. The Committee, Sandke, and Keitzer failed to properly report the occupation and employer information for contributions received, and failed to accurately report campaign activity, in violation of Government Code Section 84211 (2 counts). **Total Proposed Penalty: \$428.**

Statement of Economic Interests Non-Filer

19. In the Matter of Michael Gaul; FPPC No. 17/937 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Enforcement Intake Manager Tara Stock. Michael Gaul, a Planning Commissioner for the City of Burlingame, failed to timely file a 2016 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**

Statement of Economic Interests Non-Reporter

20. In the Matter of Nanny Bosch; FPPC No. 18/43 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. Nanny Bosch, Project Management Group Manager for the Department of Motor Vehicles, failed to timely disclose investments in and income from The Bosch Group, and Fortuna BMC on her 2014, 2015, and 2016 Annual Statements of Economic Interests, in violation of Government Code Section 87300 (3 counts). **Total Proposed Penalty: \$300.**

21. In the Matter of Karla Nemeth; FPPC No. 18/157 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. Karla Nemeth, Deputy Secretary for Water Policy for the California Natural Resources Agency, failed to timely disclose investments in and income from the Karla A. Nemeth Trust on her 2014, 2015, and 2016 Annual Statements of Economic Interests, in violation of Government Code Section 87300 (3 counts). **Total Proposed Penalty: \$300.**

Default Proceedings

Default Proceedings Requesting Commission Action

22. In the Matter of Gil Navarro Legal Defense Fund, Navarro for 47th Assembly 2014, and Gilbert "Gil" Navarro; FPPC No. 16/137 (Default Decision – Final Notice). Staff: Commission Counsel Ruth Yang and Associate Governmental Program Analyst Dominika Wojenska. Gil Navarro formerly served as a member of the San Bernardino County Board of Education from 2006 to 2013. Navarro was elected to the San Bernardino Valley Municipal Water District Board of Directors in the November 6, 2012 General Election and attempted to hold both offices simultaneously. Gil Navarro Legal

Defense Fund is Navarro's recipient committee formed to defend against his removal from the Board of Education. The Defense Committee and Navarro failed to timely file two semiannual campaign statements, in violation of Government Code Section 84200 (2 counts), and failed to timely terminate the Defense Committee, in violation of Government Code Section 85304.5 and Regulation 18530.45, subdivision (k) (1 count). Navarro also was an unsuccessful candidate for the 47th District of the California State Assembly in the November 4, 2014 General Election. Navarro for 47th Assembly 2014 was his candidate-controlled committee the 2014 election. The Assembly Committee and Navarro failed to file two pre-election campaign statements, in violation of Government Code Section 84200.7, subdivision (b) (2 counts); and failed to timely file four semiannual campaign statements, in violation of Government Code Section 84200 (4 counts). **Total Proposed Penalty: \$36,500.**

- 23. In the Matter of Gloria Olmos, Re-Elect Gloria Olmos for School Board 2013, and Committee to Elect Gloria Olmos for South El Monte City Council Member 2015; FPPC No. 14/1263 (Default Decision – Final Notice).** Staff: Commission Counsel Michael W. Hamilton and Staff Services Analyst Dominika Wojenska. Gloria Olmos was a successful candidate for the Valle School Board in the November 5, 2013 General Election. Re-Elect Gloria Olmos for School Board 2013 was her candidate-controlled committee for the 2013 election. Olmos and the School Board Committee failed to timely file three semiannual campaign statements, in violation of Government Code Section 84200, subdivision (a) (3 counts). Olmos was a successful candidate for the South El Monte City Council on the November 3, 2015 General Election. Committee to Elect Gloria Olmos for South El Monte City Council Member 2015 was her candidate-controlled committee for the 2015 election. Olmos and the City Council Committee failed to timely and accurately report expenditures made on a pre-election statement and on a semiannual campaign statement, in violation of Government Code Section 84211, subdivisions (j) and (k) (2 counts). **Total Proposed Penalty: \$18,000.**

Notice of Intent to Present Default Decision and Order at Next Commission Meeting

- 24. In the Matter of Brenda Lewis and Lewis for Water Board 2013; FPPC No. 16/322 (Default Decision – Initial Notice).** Brenda Lewis was the successful candidate for and presently serves as a member of the Monterey Peninsula Water Management District Board of Directors. Lewis served as the treasurer of her committee, Lewis for Water Board 2013. The Committee and Lewis failed to timely file campaign statements (7 counts). **Total Proposed Penalty: \$28,000.**

General Items 25-29

- 25. Assignment of Hearing to Administrative Law Judge (ALJ): In the Matter of Kevoork N. "George" Ashkharian; FPPC No. 14/876.** Staff: Executive Director Erin V. Peth, Chief of Enforcement Galena West, and Senior Commission Counsel Angela Brereton. The Executive Director and the Chief of Enforcement are recommending that a hearing be conducted before an ALJ pursuant to Government Code Section 11512,

subdivision (a). The ALJ will make a recommendation to the Commission on the findings of fact, law and penalty, if applicable, in the matter. The Commission will then have the opportunity to review the proposed decision and make the final determination on the case. If the Commission agrees with this recommendation, no action is required.

Staff Memo

26. Pre-notice Discussion of Regulations 18308, 18308.1, 18308.2, and 18308.3 on

Commission Governance. At the October 19, 2017 meeting, the Commission established an ad hoc committee of Commissioner Hayward and Commissioner Hatch to review the Commission's Statement of Governance Principles. At the March 22, 2018 meeting, the Commission considered the Report and Recommendations from the Ad Hoc Committee, and instructed the Committee to propose regulations promulgating governance rules for the Commission. The Ad Hoc Committee will be presenting its proposed Regulation 18308 (Commission Governance), 18308.1 (Authority of the Commission), 18308.2 (Authority of the Chair), and 18308.3 (Authority of the Executive Director).

Ad Hoc Committee Memo

Proposed Regulations 18308, 18308.1, 18308.2, and 18308.3

- 27. Closure letters in Enforcement Staff:** Zachary Norton. Review of the Commission's ability to review and modify no action closure letter's issued by the Enforcement Division. Commissioner Audero's requested agenda description states: "During the January 2018 Commission meeting, specifically during the discussion of the Lucan matter, the question arose whether Commissioners have the authority to set aside a closure letter. Specifically, the question was whether the Commissioners could instruct the Enforcement Division to re-write all or part of a closure letter with language that the Commissioners would approve, or otherwise rescind and issue it with that language. Our Legal Division did not weigh in during our discussion last month and the question was left unanswered. The Legal Division will present an impartial legal memorandum to the Commission with an answer to this question, including (1) legal authorities to support any position taken, if any; (2) an analysis of how to interpret the absence of legal authorities if that is the case; and (3) a recommendation on how to proceed in future similar circumstances with an explanation of whether that recommendation was reached based on the law or on best practices. In addition, we will take public comment on the issue. Based on this, the Commission will vote on whether to adopt the recommendation of the Legal Division as a go-forward procedure or to send this matter to the Attorney General's office requesting a formal opinion. This is an agenda item for FORMAL ACTION."

Staff Memo

28. Executive Staff Reports.

Enforcement Division. Galena West, Enforcement Chief
Legal Division. Jack Woodside, General Counsel
External Affairs and Education. Courtney Miller, Manager
Legislative and External Affairs. Phillip Ung, Director

29. Proposed Future Agenda Items.

Note: The Commission may not discuss or take action on any matter raised during public comment that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code Sections 11125 & 11125.7(a).)

Below is a list of items currently pending for future agendas and the Commissioners who requested them.

- (Hayward and Audero) Solicit Attorney General’s opinion to clarify some of the advice provided by deputies attorney general at a presentation on the Bagley-Keene Open Meeting Act.
- (Audero) Request the Attorney General’s office review its 1977 advice letter (*The Honorable Michael Bennett*, 60 Ops. Cal. Atty. Gen. 16), and let us know if the advice is still applicable considering the application of California’s minimum wage law to state employees as of January 1, 2001.
- (Hayward) Review the feasibility of holding a future Commission meeting in a location other than Sacramento.