



NOTICE AND AGENDA Commission Meeting¹

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

Thursday, December 19, 2019
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

Richard C. Miadich, Chair

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.

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. To participate in real time, visit <http://mediasite.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.

Approval of Commission Minutes

2. **Approval of November 21, 2019 Commission Hearing Minutes.**
3. **Approval of November 22, 2019 Commission Hearing Minutes.**

Enforcement Consent Calendar 4-6

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.

Conflict of Interest

4. **In the Matter of Brooke Ashjian; FPPC No. 16/19903.** Staff: Christopher Burton, Senior Commission Counsel; Paul Rasey, Special Investigator; and Garrett Micheels, Special Investigator. The respondent was represented by Charles H. Bell, Jr. and Sarah Lang of Bell, McAndrews & Hiltachk, LLP. Brooke Ashjian was a trustee of the Fresno Unified School District from 2014 to 2018. As a member of the Board, Ashjian made governmental decisions in which he had a financial interest, in violation of Government Code Section 87100 (4 counts). Ashjian also failed to timely disclose sources of income and interests in real property on his Assuming Office, 2015 Annual, and 2016 Annual Statements of Economic Interest, in violation of Government Code Sections 87206, 87207, and 87300 (2 counts). **Total Proposed Penalty: \$23,500.**

Campaign Late Filer

5. **In the Matter of Tracy Firefighters Association PAC, Eric Oliveri, Carlos Hampton, Scott Byers, and Justin Lagasa; FPPC No. 16/757.** Staff: Neal Bucknell, Senior Commission Counsel and George Aradi, Special Investigator. The respondents were represented by Lance Olson and Emily Andrews of Olson, Hagel & Fishburn, LLP. Tracy Firefighters Association PAC is a local general purpose committee, sponsored by Local 3355 Tracy Firefighters Association. In 2018, Eric Oliveri served as the Committee's treasurer, and Scott Byers served as the Committee's principal officer. As of 2019, Carlos Hampton is the Committee's treasurer, and Justin Lagasa is the Committee's principal officer. Prior to 2018, no treasurer or principal officer was designated. From 2012 through June 30, 2017, the Committee failed to timely file ten semiannual campaign statements; from July 1, 2017 through 2018, the Committee, Oliveri, and Byers failed to timely file two semiannual campaign statements; and for the reporting period ending December 31, 2018, the Committee, Hampton, and Lagasa failed to timely file one semiannual campaign statement, in violation of Government Code Section 84200, subdivision (a) (4 counts). The Committee also failed to timely file four pre-election campaign statements from 2012 through 2016, and Oliveri and Byers failed to timely file two in 2018, in violation of Government Code Sections 84200.5, subdivision (i), 84200.5, subdivision (e), 84200.7, subdivision (b), and 84200.8, subdivisions (a) and (b) (3 counts). Additionally, the Committee failed to timely file four 24-Hour Reports, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$25,000.**

- 6. In the Matter of Re-Elect Gary Mendez for Rio Hondo College Board 2015 and Gary Mendez; FPPC No. 16/20131.** Staff: Ruth Yang, Commission Counsel and Dominika Wojenska, Associate Governmental Program Analyst. Currently, Gary Mendez is a member of the Rio Hondo College Board of Trustees, and was an unsuccessful candidate for the Water Replenishment District of the Southern California Board of Directors in the November 8, 2016 General Election. Re-Elect Gary Mendez for Rio Hondo College Board 2015 was his candidate-controlled committee. The Committee and Mendez failed to timely file two pre-election campaign statements, and one semiannual campaign statement, in violation of Government Code Sections 84200, 84200.5, subdivision (a), and 84200.8 (1 count). **Total Proposed Penalty: \$2,000.**

Default Proceedings

Notice of Intent to present Default Decision and Order at the January Commission Meeting

- 7. In the Matter of Alfonso Sanchez and Alfonso Sanchez for School Board 2016; FPPC No. 16/20105.** Staff: Christopher Burton, Senior Commission Counsel and Roone Petersen, Special Investigator. Alfonso Sanchez was re-elected as a trustee to the Ontario-Montclair Elementary School District in the November 8, 2016 General Election. Alfonso Sanchez for School Board 2016 was his candidate-controlled committee. The Committee and Sanchez failed to timely file one semiannual campaign statement, in violation of Government Code Section 84200 (1 count), two pre-election campaign statements, in violation of Government Code Sections 84200.5 and 84200.8 (2 counts), and failed to timely disclose information regarding a late contribution on a 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$17,000.**

General Items 8-19

- 8. Assignment of Hearing to Administrative Law Judge (ALJ): In the Matter of Lloyd A. Johnson for West Covina City Council 2015, Lloyd Johnson, and John Shewmaker; FPPC No. 15/2076.** Staff: Thomas Jones, Executive Director; Galena West, Chief of Enforcement; and Theresa Gilbertson, Commission Counsel. 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 and Accusation

- 9. Regulation Projects and Schedule for 2020.** Staff: Thomas Jones, Executive Director and Dave Bainbridge, General Counsel. Staff proposes for Commission consideration a list of regulation projects for 2020 and a schedule for presenting these regulation projects to the Commission for pre-notice discussion and adoption.

Staff Memo

- 10. Amendment of Regulation 18702.4—Materiality Standard: Financial Interest in Source of Gift.** Staff: Dave Bainbridge, General Counsel; Brian Lau, Assistant General Counsel; and Kevin Cornwall, Counsel, Legal Division. Staff proposes amendments to Regulation 18702.4 to incorporate a bright-line materiality standard pertaining to non-profit organizations that qualify as sources of gifts. The proposed amendments were presented for discussion and direction at the October 2019 meeting, and are now presented for adoption.

Staff Memo

Proposed Amendments to Regulation 18702.4

- 11. Repeal and Adoption of Regulation 18702.5. – Materiality Standard: Financial Interest in an Official’s Personal Finances.** Staff: Dave Bainbridge, General Counsel; Brian Lau, Assistant General Counsel; and Matthew F. Christy, Commission Counsel, Legal Division. Staff proposes the repeal and adoption of Regulation 18702.5 which provides the materiality standard applicable to a governmental decision’s effect on a public official’s financial interest in his or her personal finances or those of immediate family members in conflict of interest cases. The proposed update would establish a \$500 bright-line threshold for the regulation’s materiality standard, and make other minor changes, to improve the regulation’s clarity and guidance. The proposed regulation was presented for discussion and direction at the October 2019 meeting, and is now presented for adoption.

Staff Memo

Proposed Repeal of Existing Regulation 18702.5

Proposed Adoption of New Regulation 18702.5

- 12. Governance Regulations.** Staff: Chair Miadich. Information, discussion, and possible action to amend, revise, or repeal governance regulations.

Proposed Amendments to Regulation 18308

Proposed Amendments to Regulation 18308.1

Proposed Amendments to Regulation 18308.2

Proposed Amendments to Regulation 18308.3

Proposed Adoption of Regulation 18308.4

- 13. Update on Task Force to Study Best Practices for Regulating Campaign Activity on Digital Media.** Chair Miadich and Commissioner Hayward.

- 14. Commissioner Manual Review Update.** Staff: Commissioner Cardenas and Dave Bainbridge, General Counsel. Information, discussion, and possible action on the policies and procedures presented in the Commissioner Manual.

Staff Memo

- 15. Committee Updates**

Budget and Personnel Committee Update.

Law and Policy Committee Update.

16. Legislative Development. Staff: Phillip Ung, Director, Legislative and External Affairs. The Commission will review and discuss memorandums provided by the Legislative Director on potential sponsored legislation. The Commission may approve sponsored legislation and direct staff to seek bill authors. The Commission may direct staff to amend bill proposals and provide additional updates or to seek authors.

Campaign Legislation Package
SEI Legislation Package
Enforcement Legislation Package

17. Advice Letter Report and Commission Review. Staff: Dave Bainbridge, General Counsel and Brian Lau, Assistant General Counsel. The Commission may review and discuss advice letters that have been issued since the November Executive Staff Report. The Commission may act to withdraw the advice provided.

Advice Letter Report

18. Executive Staff Reports.

Enforcement Division. Galena West, Chief of Enforcement
Legal Division. David Bainbridge, General Counsel
Administration & Technology Division, Loressa Hon, Chief of Administration
Executive Director Update, Thomas Jones

Executive Staff Report

19. Commissioner Comments and Proposed Future Agenda Items.

Note: Although any Commissioner may identify a topic of interest, the Commission may not substantially discuss or take action on any matter raised during the meeting 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).)