



NOTICE AND AGENDA Commission Meeting¹

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

NEW! Public comments may be submitted in real time by following the link to our new public participation portal!

<http://mediasite.fppc.ca.gov/>

Friday, October 18, 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.

Under the California Administrative Procedures Act, the Commission may not consider any extrajudicial evidence or commentary in its deliberations on whether to adopt the proposed findings of an Administrative Law Judge in any Enforcement matter. Members of the public are not prohibited from commenting on Enforcement proceedings generally, but comments regarding any specific Enforcement matter will not be taken into consideration by any member of the Commission in its consideration of that matter.

Welcome

Richard C. Miadich, 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. 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.

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 September 2019 Commission Hearing Minutes.**

Enforcement Consent Calendar 3-9

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.

Recordkeeping

3. **In the Matter of Citizens for Kain – Assembly '14, Palmer Kain, Jay Mosley, and Marc Baylen; FPPC No. 16/467.** Staff: Christopher Burton, Senior Commission Counsel and Roone Petersen, Special Investigator. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. Palmer Kain was successful in the June 3, 2014 Primary and unsuccessful in the November 4, 2014 General Election for Assembly. Citizens for Kain – Assembly '14 was his candidate-controlled committee. Jay Mosley was the Committee's treasurer. Marc Baylen was the Committee's assistant treasurer, and acted as treasurer from July 2, 2014 until the Committee's termination. The Committee, Kain, and Mosley failed to timely file two pre-election campaign statements for the reporting periods of January 1, 2014 through March 17, 2014 and March 18, 2014 through May 17, 2014, in violation of Government Code Sections 84200.5, subdivision (a), and 84200.7, subdivision (a) (1 count), and failed to timely report financial activity on two pre-election and two semiannual campaign statements, in violation of Government Code Section 84211, subdivisions (a) – (d), (f), and (i) – (k) (1 count). Additionally, the Committee, Kain, Mosley, and Baylen failed to maintain adequate source documentation for contributions and expenditures, in violation of Government Code Section 84104 and Regulation 18401 (1 count). **Total Proposed Penalty: \$5,500.**

Advertisements

4. **In the Matter of Brea Olinda Unified School District School Facilities Improvement Measure 2016 in Support of Measure K, David Hale, and Gail Lyons; FPPC No. 16/19873.** Staff: Jenna Rinehart, Commission Counsel and Paul Rasey, Special Investigator. Brea Olinda Unified School District School Facilities Improvement Measure 2016 in Support of Measure K was a local primarily formed committee in support of Measure K, which appeared on the ballot in the November 8, 2016 General Election. David Hale was the Committee's treasurer and Gail Lyons was the Committee's principal officer. The Committee, Hale, and Lyons failed to include the Committee's information in its disclosure statement on four separate mass mailings, in violation of Government Code Section 84305 and Regulation 18402 (1 count), and failed to include the Committee's information in its disclosure statement on doorhangers, which also did not meet size requirements, in violation of Government Code Section 84504, Regulations 18450.4 and 18402 (1 count). Additionally, the Committee, Hale, and Lyons failed to include a

disclosure statement in its robocalls, in violation of Government Code Section 84504 and Regulation 18450.4 (1 count). **Total Proposed Penalty: \$4,500.**

5. **In the Matter of Friends of Sierra College 2018 – Yes on Measure E, and Kris Mapes; FPPC No. 18/337.** Staff: Christopher Burton, Senior Commission Counsel. Friends of Sierra College 2018 – Yes on Measure E was a local committee primarily formed to support Sierra Joint Community College District Measure E, which appeared on the ballot in the June 5, 2018 Primary Election. Kris Mapes was the Committee’s treasurer and principal officer. The Committee and Mapes failed to timely report subvendor payments for the pre-election reporting period of April 22, 2018 through May 19, 2018, in violation of Government Code Sections 84211, subdivision (k)(6) and 84303 (1 count), and failed to include the Committee’s correct name in its disclosure statement on yard signs, which also did not meet size requirements, in violation of Government Code Sections 84502 and 84504.2, subdivision (b) (1 count). **Total Proposed Penalty: \$3,000.**
6. **In the Matter of Committee in Support of Measure G 2018 and Michele Perrault; FPPC No. 18/443.** Staff: Christopher Burton, Senior Commission Counsel and Paul Rasey, Special Investigator. Committee in Support of Measure G 2018 is a local primarily formed committee supporting Plumas Lake Elementary School District Measure G, which appeared on the ballot in the June 5, 2018 Primary Election. Michele Perrault is the Committee’s principal officer. The Committee and Perrault failed to include the required disclosures on six different advertisements, in violation of Government Code Sections 84502, 84504.2, and 84504.3 (1 count). **Total Proposed Penalty: \$3,000.**
7. **In the Matter of Santa Monicans for Council Term Limits, Yes on Measure TL, and Nancy Coleman; FPPC No. 18/200.** Staff: Christopher Burton, Senior Commission Counsel and Lance Hachigian, Special Investigator. Santa Monicans for Council Term Limits, Yes on Measure TL was a local primarily formed committee supporting Santa Monica Measure TL, which appeared on the ballot in the November 6, 2018 General Election. Nancy Coleman was the Committee’s principal officer. The Committee and Coleman failed to include the required disclosures on one print and three electronic media advertisements, in violation of Government Code Sections 84502 and 84504.3 (1 count). **Total Proposed Penalty: \$2,500.**
8. **In the Matter of Betsy Tunnell; FPPC No. 16/19759.** Staff: Jenna Rinehart, Commission Counsel and Garrett Micheels, Special Investigator. Betsy Tunnell, as an Independent Expenditure Committee against Measure B in the November 8, 2016 General Election, failed to include the required disclosures on each of her campaign advertisements, in violation of Government Code Section 84506 and Regulation 18450.4 (1 count). **Total Proposed Penalty: \$1,500.**

Cash Expenditures

9. **In the Matter of Jaime Hurtado for Supervisor 2018, Jaime Hurtado, and Richard Teaman; FPPC No. 18/104.** Staff: Megan A. Van Arsdale, Commission Counsel and Lance Hachigian, Special Investigator. Jaime Hurtado was an unsuccessful candidate for Riverside County Supervisor in the June 5, 2018 Primary Election. Jaime Hurtado for Supervisor 2018 was his candidate-controlled committee. Richard Teaman was the Committee’s treasurer. The Committee, Hurtado, and Teaman made seven cash expenditures of \$100 or more in 2017, in violation of Government Code Section 84300, subdivision (b) (1 count). **Total Proposed Penalty: \$2,000.**

Default Proceedings

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

- 10. In the Matter of Murga for City Council 2016 and Raul Murga; FPPC No. 17/245.** Staff: Ruth Yang, Commission Counsel and Dominika Wojenska, Associate Governmental Program Analyst. Raul Murga was an unsuccessful candidate for Carson City Council in the November 8, 2016 General Election. Murga for City Council 2016 is his candidate-controlled committee. The Committee and Murga failed to timely file four semiannual campaign statements for the reporting periods ending on December 31, 2016; June 30, 2017; December 31, 2017; and June 30, 2018, in violation of Government Code Section 84200 (4 counts). **Total Proposed Penalty: \$16,000.**

General Items 11-21

- 11. Updated Rules for Public Participation at Commission Meetings.** Staff: Thomas Jones, Executive Director and Kevin Cornwall, Counsel, Legal Division. The Commission will consider amendments to rules for public engagement at meetings of the FPPC.

Staff Memo

- 12. Prenotice Discussion of Amendments to Regulation 18702.4** Staff: Dave Bainbridge, General Counsel; Brian Lau, Assistant General Counsel; and Kevin Cornwall, Counsel, Legal Division. Staff proposes the amendment of Regulation 18702.4 to incorporate a bright-line materiality standard pertaining to non-profit organizations that qualify as sources of gifts. The proposed amendments are presented for discussion and direction by the Commission and will be presented for adoption at a subsequent meeting.

Staff Memo

Proposed Amendments to Regulation 18702.4

- 13. Prenotice Discussion of Amendments to Regulation 18702.5** Staff: Dave Bainbridge, General Counsel; Brian Lau, Assistant General Counsel; and Matthew F. Christy, Counsel, Legal Division. Staff proposes the repeal and adoption of Regulation 18702.5 to update the materiality standard applicable to a governmental decision affecting a public official's personal finances by making it an objective, bright-line standard, and to make other changes, to improve the regulation's clarity and guidance. The proposed repeal and adoption of Regulation 18702.5 is presented for discussion and direction from the Commission, and will be presented for adoption at a subsequent meeting.

Staff Memo

Proposed Repeal of Regulation 18702.5

Proposed Amendments to Regulation 18702.5

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

- 15. Commissioner Manual Review Update** Staff: Dave Bainbridge, General Counsel; John Feser, Senior Counsel; and Kevin Cornwall, Counsel, Legal Division. Staff presents an update on the Commissioner Manual review process for chapters three and four.

Staff Memo
Commissioner Manual - Highlighted

- 16. Committee Updates**
Budget and Personnel Committee Update.
Law and Policy Committee Update.

- 17. Legislative Update.** Staff: Phillip Ung, Legislative Director.

Staff Memo

- 18. 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 September Executive Staff Report. The Commission may act to withdraw the advice provided.

Advice Letter Report

- 19. 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 Staff Report

- 20. Closed Session. Administrative Adjudication (Gov. Code § 11126(c)(3).)** Consideration of Proposed decision of Administrative Law Judge, In the matter of Susan G. Shelley, Susan Shelley for Assembly 2013, and Susan Shelley for Assembly 2014, FPPC No. 15/003, OAH No. 2019030096.

ALJ's Proposed Decision, August 9, 2019
Enforcement's Brief in Support of the Proposed Decision
Respondent's Brief in Opposition to the Proposed Decision
Complainant's Reply Brief in Support of the Proposed Decision
Amicus Curiae Letter, Charles H. Bell, Jr.

- 21. 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).)