



NOTICE AND AGENDA Commission Meeting¹

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

Thursday, September 17, 2020
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.

Pursuant to Executive Order N-29-20, certain provisions of the Bagley Keene Open Meeting Act are suspended due to a State of Emergency in response to the COVID-19 pandemic. Consistent with the Executive Order, this Commission meeting will be conducted by teleconference only. None of the locations from which Commissioners will participate will be open to the public. Members of the public who wish to observe the meeting may do so via [YouTube](#) or via telephone by calling (877) 411-9748; access code 723284. Members of the public who wish to comment during the meeting may do so by telephone or using the Commission's public participation portal found at <http://mediasite.fppc.ca.gov/>.

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. The Commission may take action on any item listed on this agenda.

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.

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.

Approval of Commission Minutes

2. **Approval of August 2020 Commission Hearing Minutes.**

Enforcement Consent Calendar 3-6

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.

Advertisements and Campaign Late Filer

3. **In the Matter of Ocean View Teachers Association PAC, Tanysia Sanchez (a.k.a. Tanysia Phillips), Margaret Friedmann, and Pauline Wong; FPPC No. 16/705.** Staff: Angela Brereton, Assistant Chief Counsel and Roone Petersen, Special Investigator. Ocean View Teachers Association PAC is a local general purpose committee that supported local candidates and state and local ballot measures in the November 8, 2016 General Election. Pauline Wong was the Committee's principal officer during relevant times. Tanysia Sanchez was the Committee's treasurer from September 2012 through September 2016, and Margaret Friedmann served as treasurer from October 2016 through the present. The Committee, Sanchez, and Friedmann failed to properly report a photoshoot and two mailers paid for by the Committee, in coordination with two candidates and a ballot measure committee, on two pre-election campaign statements and one semiannual campaign statement, in violation of Government Code Section 84211 and Regulation 18225.7 (1 count). The Committee and Friedmann failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203, subdivisions (a) and (b) (1 count). Additionally, the Committee and Wong failed to include the proper advertisement disclosures on yard sign and banner advertisements, in violation of Government Code Sections 84506, subdivision (a)(1), 84506.5, subdivision (a), and Regulation 18450.4, subdivision (b)(3) and (D) (1 count). **Total Proposed Penalty: \$9,000.**

Campaign Bank Account

4. **In the Matter of Brian Payton for Eureka City School Board 2018 and Brian Payton; FPPC No. 18/916.** Staff: Theresa Gilbertson, Senior Commission Counsel. Brian Payton was an unsuccessful candidate for Eureka City School Board in the November 6, 2018 General Election. Brian Payton for Eureka City School Board 2018 was his candidate-controlled

committee. The Committee and Payton failed to use one designated campaign bank account for all contributions and expenditures, in violation of Government Code Section 85201 (1 count). **Total Proposed Penalty: \$2,000.**

Campaign Late Filer/Reporter

5. **In the Matter of Jumpstart Vallejo, Curtis Laffety, and John Cummings; FPPC No. 16/19958.** Staff: Michael W. Hamilton, Commission Counsel and Roone Petersen, Special Investigator. The respondents were represented by Lance Olson of Olson Remcho, LLP. Jumpstart Vallejo is a local primarily formed committee that supported candidates in the November 8, 2016 and November 6, 2018 General Elections. Curtis Laffety was the Committee's treasurer from August 4, 2016 through June 11, 2018, and John Cummings served as treasurer from June 11, 2018 through the present. In 2016, the Committee and Laffety failed to timely report independent expenditures on a pre-election campaign statement and a semiannual campaign statement, in violation of Government Code Section 84211 (1 count), and failed to timely file 24-Hour Reports for contributions and late independent expenditures, in violation of Government Code Sections 84203 and 84204 (1 count). In 2017, the Committee and Laffety failed to timely file two semiannual campaign statements, and in 2019, the Committee and Cummings also failed to timely file two semiannual campaign statements, in violation of Government Code Section 84200 (1 count). In 2018, the Committee and Cummings failed to timely file two semiannual campaign statements and two pre-election campaign statements, in violation of Government Code Sections 84200 and 84200.5 (1 count), and failed to timely file 24-Hour Reports, in violation of Government Code Sections 84203 and 84204 (2 counts). **Total Proposed Penalty: \$14,000.**
6. **In the Matter of BluPAC and Douglas Chan; FPPC No. 16/19981.** Staff: Bridgette Castillo, Senior Commission Counsel and Lance Hachigian, Special Investigator. The respondent was represented by Nick Sanders of the Sutton Law Firm. BluPAC is a non-profit civic research 501(c)(4) organization based in San Francisco, which has been renamed Response Analytics Research. Douglas Chan is the responsible officer. BluPAC became an independent expenditure committee when it paid a slate mailer organization, Citizens Economic Council, for independent expenditures to oppose and support Santa Clara City Council candidates in the November 8, 2016 General Election. BluPAC and Chan failed to timely file nine 24-Hour Reports, in violation of Government Code Section 84204 (1 count). **Total Proposed Penalty: \$3,500.**

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

7. **In the Matter of Antonio Flores; FPPC No. 16/20070.** Staff: Jenna C. Rinehart, Commission Counsel. Antonio Flores was appointed to Governing Board Member of Siskiyou County Dunsmuir Elementary School District on March 15, 2016 and left office on December 2, 2016. Flores failed to timely file an Assuming Office and Leaving Office Statement of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$8,000.**
8. **In the Matter of Jennifer Allsup; FPPC No. 16/20047.** Staff: Angela Brereton, Assistant Chief Counsel and Jeffrey Kamigaki, Supervising Special Investigator. Jennifer Allsup

formerly served as Commissioner of Modesto Entertainment Commission from March 2009 to May 5, 2016. Allsup failed to timely file a 2014 Annual, 2015 Annual, and a Leaving Office Statement of Economic Interests, in violation of Government Code Section 87300 (3 counts). **Total Proposed Penalty: \$12,000.**

General Items 9-16

- 9. Appointment of Vice Chair.** The Commission will appoint a Vice Chair to preside over Commission meetings in the Chair's absence in accordance with the Commission Governance Policy.

- 10. Prenotice Discussion of Proposed Update of Commission Regulations Governing the Filing of Statements of Economic Interests.** Staff: Dave Bainbridge, General Counsel; Matthew Christy, Commission Counsel, Legal Division. Staff presents proposed updates to regulations governing the filing of statements of economic interests, primarily to address the use of electronic filing systems and to reduce duplicative filings. The proposed update is presented for discussion and direction by the Commission and will be presented for adoption at a subsequent meeting.

Staff Memo

Proposed Repeal of Regulation 18115

Proposed Adoption of Regulation 18115

Proposed Adoption of Regulation 18115.1

Proposed Adoption of Regulation 18115.2

Proposed Adoption of Regulation 18723.1

Proposed Amendments to Regulation 18732.5

Proposed Amendments to Regulation 18735

Proposed Amendments to Regulation 18754

- 11. Amendments to Regulation 18703 – Public Generally Exception.** Staff: Dave Bainbridge, General Counsel and Zachary W. Norton, Senior Commission Counsel. Staff proposes amendments to Regulation 18703, which concerns the public generally exception to the conflict of interest law. The proposed amendments include a new provision specifically addressing circumstances where the interest creating a potential conflict is the official's primary residence, as well as other clarifying amendments. The proposed amendments were presented for discussion and direction at the July 2020 meeting, and are now presented for adoption.

Staff Memo

Proposed Amendments to Regulation 18703

- 12. Legislative Update.** Staff: Lindsey Nakano, Legislative Counsel. The Commission will review and discuss Commission sponsored legislation and other PRA related legislation, if any. The Commission may provide direction on sponsored legislation and other PRA related legislation. The Commission may direct staff to amend bill proposals and provide additional updates.

Legislative Update

13. Legislative Development. Staff: Lindsey Nakano, Legislative Counsel. The Commission will review and discuss potential sponsored and other legislation. The Commission will provide direction on future legislation to be sought by the agency.

Legislative Development

14. Committee Updates.

Law and Policy Committee Update.

15. Executive Staff Reports.

Enforcement Division. Galena West, Executive Director

Legal Division. David Bainbridge, General Counsel

Administration and Technology Division. Loressa Hon, Chief of Administration

Executive Director Update. Galena West, Executive Director

Executive Staff Report

16. 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).)