



NOTICE AND AGENDA Commission Meeting¹

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

Tuesday, August 24, 2021
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-08-21, 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 by calling (877) 411-9748; access code 723284 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 July 2021 Commission Hearing Minutes.**

Enforcement Consent Calendar 3-5

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.

Campaign Bank Account

- 3. In the Matter of Robert Jordan Funk, Committee, and Jordan Funk; FPPC No. 18/376.** Staff: Theresa Gilbertson, Senior Commission Counsel. Jordan Funk was an unsuccessful candidate for Modoc County District Attorney in the June 5, 2018 Primary Election. Robert Jordan Funk was Funk's candidate-controlled committee. The Committee and Funk failed to timely file two preelection campaign statements and one semi-annual campaign statement, in violation of Government Code Sections 84200.5 and 84200 (1 count); and failed to utilize a single designated campaign bank account for all contributions and expenditures, in violation of Government Code Section 85201 (1 count). **Total Proposed Penalty: \$4,500.**
- 4. In the Matter of Roger Gaylord for Folsom City Council 2016 and Roger Gaylord III; FPPC No. 17/490.** Staff: Theresa Gilbertson, Senior Commission Counsel. Respondents were represented by Lance H. Olson of Olson Remcho LLP. Roger Gaylord III was a successful candidate for Folsom City Council in the November 8, 2016 General Election. Roger Gaylord for Folsom City Council 2016 was Gaylord's candidate-controlled committee. The Committee and Gaylord failed to utilize a single designated campaign bank account for all contributions and expenditures, in violation of Government Code Section 85201 (1 count). **Total Proposed Penalty: \$3,000.**

Campaign Late Filer

- 5. In the Matter of Clint Olivier, Clint Olivier for Assembly 2016, and Richard Egan; FPPC No. 19/357.** Staff: Bridgette Castillo, Senior Commission Counsel. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. Respondents were represented by Brian T. Hildreth of Bell, McAndrews & Hiltachk, LLP. Clint Olivier was an unsuccessful candidate for California State Assembly in the April 5,

2016 Special Election; successful in the June 7, 2016 Primary Election; and unsuccessful in the November 8, 2016 General Election. Clint Olivier for Assembly 2016 was Olivier’s candidate-controlled committee. Richard Egan was the Committee’s treasurer. The Committee, Olivier, and Egan failed to timely file a preelection campaign statement, in violation of Government Code Sections 84200.5 and 84200.8 (1 count); and failed to timely file six 24-hour reports, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$4,500.**

General Items 6-15

- 6. Prenotice Discussion of Proposed Regulation 18424.3 Behested Payment Reporting. Donor Advised Funds.** Staff: Karen Harrison, Senior Commission Counsel. Staff proposes Regulation 18424.3 to clarify reporting the “payor” when a behested payment is made by a sponsoring organization from a donor advised fund. The proposed regulation is presented for discussion and further direction to staff. It will be presented to the Commission for adoption at a subsequent meeting.

Staff Memo

Proposed Regulation 18424.3

- 7. Prenotice Discussion of Proposed Regulations Related Recordkeeping Requirements for Lobbyists, Lobbying Firms, and Lobbyist Employers.** Staff: Zachary W. Norton, Senior Commission Counsel. Staff presents amendments to Regulations 18610, 18612, and 18615, the recordkeeping requirements for lobbyists, lobbying entities, and lobbyist employers. The proposed amendments include the addition of specific records that lobbyists, lobbying firms, and lobbyist employers must maintain, as well as other amendments clarifying the application of existing subdivisions. The proposed amended regulations are presented for discussion and direction by the Commission and will be presented for adoption at a subsequent meeting.

Staff Memo

Proposed Regulation 18610

Proposed Regulation 18612

Proposed Regulation 18615

- 8. Adoption of Amendments to Existing Regulations and a Proposed New Regulation Concerning Electronic Advertisements and Online Content.** Staff: Toren Lewis, Commission Counsel. Staff proposes amendments to existing regulations to define the terms “digital application” and “web application,” and to ensure proper disclosure when a committee pays a third party to post campaign advertisements and other communications online. In addition, staff proposes a new regulation to clarify how disclosures should be displayed for certain types of online advertisements. The proposed changes were presented for prenotice discussion and direction by the Commission at the June 2021 hearing and are now presented for Commission adoption.

Staff Memo

Proposed Amendments to Regulation 18421.5

Proposed Amendments to Regulation 18450.4

Proposed Adoption of Regulation 18450.9

- 9. Digital Transparency Task Force Report and Recommendations.** The Commission will vote on whether to transmit the Digital Transparency Task Force Report and Recommendations that were adopted by the Task Force at the July 16, 2021 meeting to the Governor's Office and the Legislature.

Report and Recommendations

- 10. 2021/2022 Budget.** Staff: Loressa Hon, Chief of Administration. The Commission will receive an update on the 2021/2022 budget.

2021/2022 Budget

- 11. Committee Updates.**

Budget and Staffing Committee Update.

- 12. Legislative Update.** Staff: Lindsey Nakano, Legislative Counsel. 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. Executive Staff Reports.**

Enforcement Division. Angela Brereton, Chief of Enforcement

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

- 14. 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).)