



## NOTICE AND AGENDA Commission Meeting<sup>1</sup>

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

Thursday, January 21, 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-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 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](mailto:CommAsst@fppc.ca.gov) (e-mail) and [ADACoordinator@fppc.ca.gov](mailto: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.

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<sup>1</sup>You 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](mailto: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](http://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](mailto:CommAsst@fppc.ca.gov) (e-mail) and [ADACoordinator@fppc.ca.gov](mailto: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 December 2020 Commission Hearing Minutes.**

## Enforcement Consent Calendar 3-7

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 Committee to Elect Dr. Kumar 4 BOS CCC District 4 - 2018, Committee to Elect Dr. Kumar for Assembly (District 14) 2016, Harmesh Kumar, and Alex Cardoso; FPPC Nos. 18/590 and 18/777.** Staff: Theresa Gilbertson, Senior Commission Counsel and Roone Petersen, Special Investigator. FPPC No. 18/777 concerning the 2016 Committee arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. Harmesh Kumar was an unsuccessful candidate for Assembly District 14 and Contra Costa County Board of Supervisors in the June 2016 and June 2018 Primary Elections, respectively. Both committees were candidate-controlled, and Alex Cardoso was the treasurer for the 2016 Committee. The 2016 Committee, Kumar, and Cardoso failed to timely file a pre-election campaign statement, in violation of Government Code Sections 84200.5 and 84200.8 (1 count); failed to utilize one designated campaign bank account, in violation of Government Code Section 85201 (1 count); and accepted cash contributions and made payments in cash of more than \$100, in violation of Government Code Section 84300 (1 count). The 2018 Committee and Kumar failed to timely file a pre-election campaign statement, in violation of Government Code Sections 84200.5 and 84200.8 (1 count). **Total Proposed Penalty: \$10,000.**
4. **In the Matter of Kayla Jones for Seaside City Council 2016, Kayla Jones, and Ryan Gibson; FPPC No. 18/1090.** Staff: Ruth Yang, Senior Commission Counsel and Lance Hachigian, Special Investigator. Kayla Jones was an unsuccessful candidate for Mayor of Seaside in the November 6, 2018 General Election. Kayla Jones for Seaside City Council 2016 was her candidate-controlled committee. Ryan Gibson was the Committee's treasurer. The Committee, Jones, and Gibson failed to open a separate controlled committee and separate campaign bank account in connection with Jones's 2018 candidacy for Mayor, in violation of Government Code Sections 84101, 85201 and Regulation 18521 (1 count); failed to timely file three semi-annual campaign statements, in violation of Government Code Section 84200 (1 count); and failed to timely file two 24-hour reports, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$5,500.**

## Campaign Contribution Limits

- 5. In the Matter of Esau Herrera for Assembly 2016, Esau Herrera, and Rebecca Rivera; FPPC No. 17/849.** Staff: Theresa Gilbertson, Senior Commission Counsel and Ann Flaherty, Special Investigator. Esau Herrera was an unsuccessful candidate for Assembly District 27 in the June 7, 2016 Primary Election. Esau Herrera for Assembly 2016 was his candidate-controlled committee. Rebecca Rivera was the Committee's treasurer. The Committee, Herrera, and Rivera failed to timely file a pre-election campaign statement and two semi-annual campaign statements, in violation of Government Code Sections 84200.5 and 84200 (1 count). Additionally, the Committee, Herrera, and Rivera accepted an over the limit contribution, in violation of Government Code Section 85301, subdivision (a) and Regulation 18545, subdivision (c) (1 count). **Total Proposed Penalty: \$5,000.**

## Conflict of Interests

- 6. In the Matter of Karson Klauer; FPPC No. 17/1313.** Staff: Christopher Burton, Senior Commission Counsel and George Aradi, Special Investigator. The respondent was represented by Paul Rovella of JRG Attorneys at Law. Karson Klauer was a City Councilmember and Vice-Mayor for the City of Hollister from 2014 to 2018. As a public official, Klauer made a governmental decision in which he had a financial interest, in violation of Government Code Section 87100 (1 count). Klauer also failed to timely disclose a source of income on his 2015 Annual and 2016 Annual Statements of Economic Interest, in violation of Government Code Sections 87200 and 87207 (1 count). **Total Proposed Penalty: \$5,500.**

## Statement of Economic Interests Late Filer

- 7. In the Matter of Carl Schuster; FPPC No. 19/1099.** Staff: Jenna C. Rinehart, Commission Counsel. Carl Schuster, a Commissioner for the California Travel and Tourism Commission, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$1,000.**

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

- 8. In the Matter of Recall Pan and Katherine Duran; FPPC No. 17/925.** Staff: Theresa Gilbertson, Senior Commission Counsel and Roone Petersen, Special Investigator. Recall Pan was a state committee primarily formed to support the recall of Richard Pan, State Senator for the 6<sup>th</sup> District. Katherine Duran served as the Committee's treasurer and principal officer. The Committee and Duran failed to disclose contributor information on a semi-annual campaign statement, in violation of Government Code Section 84211, subdivision (f) (1 count), and failed to file two semi-annual campaign statements, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$9,000.**
- 9. In the Matter of Yarbrough for Val Verde School Board 2014 and D. Shelly Yarbrough; FPPC 16/117.** Staff: Michael W. Hamilton, Commission Counsel. D. Shelly Yarbrough was a successful candidate for Val Verde School Board in the November 4, 2014 General Election. Yarbrough for Val Verde School Board 2014 was her candidate-controlled committee. The Committee and Yarbrough failed to timely file seven semi-annual campaign statements, in violation of Government Code Section 84200 (7 counts), and failed to pay the \$50 annual fee and penalty to the California Secretary of State in 2014, 2016, 2017, and 2018, in violation of Government Code Section 84101.5 (4 counts). **Total Proposed Penalty: \$21,800.**

## **General Items 10-18**

**10. Update on the Secretary of State’s CAL-ACCESS Replacement Project.** Staff: Sukhi Brar, Assistant General Counsel.

**11. Pre-Notice Discussion of Regulatory Amendments in Response to SB 1239 and AB 909.** Staff: Kevin Cornwall, Commission Counsel, Legal Division. Staff proposes regulatory amendments in response to Senate Bill 1239 and Assembly Bill 909, which amend various statutes following the implementation of the new CAL-ACCESS Replacement System, a new online system for submitting and viewing campaign finance and lobbying disclosure reports. The proposed regulatory changes are presented for discussion and direction by the Commission and will be presented for adoption at a subsequent meeting.

### **Staff Memo**

#### **Attachment A – Summarized SB 1239 Changes and Recommendations**

**Proposed Repeal of Regulation 18422.5**

**Proposed Repeal of Regulation 18465.1**

**Proposed Adoption of Regulation 18422.5**

**Proposed Amendment of Regulation 18402.1**

**Proposed Amendment of Regulation 18406**

**Proposed Amendment of Regulation 18410**

**Proposed Amendment of Regulation 18465**

**Proposed Amendment of Regulation 18601**

**Proposed Amendment of Regulation 18611**

**Proposed Amendment of Regulation 18613**

**Proposed Amendment of Regulation 18616**

**Proposed Amendment of Regulation 18616.4**

**12. Amendment and Adoption of Regulations Governing Enforcement Division Streamline and Warning Letter Programs and New Tier Two Streamline Program.** Staff: Galena West, Executive Director and Angela Brereton, Chief of Enforcement. Staff proposes several changes to the Enforcement Division Streamline and Warning Letter programs and the adoption of Tier Two Streamline Program, which were presented for pre-notice discussion at the July 2020 Commission meeting and presented for interested person feedback at the September 2020, October 2020, December 2020, and January 2021 Law and Policy Committee meetings.

### **Staff Memo**

**Proposed Amendments to Regulation 18360.1**

**Proposed Amendments to Regulation 18360.2**

**Proposed Adoption of Regulation 18360.3**

**13. Digital Transparency Task Force Update.**

**14. Committee Updates.**

**Law and Policy Committee Update.**

**15. 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**

**16. 2020 Annual Report.** Staff: Lindsey Nakano, Legislative Counsel and Rieko Ivaska, Information Technology Specialist.

**2020 Annual Report**

**17. 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**

**FPPC Legislative Supplemental Report**

**18. 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).)