



NOTICE AND AGENDA Commission Meeting¹

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

Thursday, June 17, 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 regarding public attendance at Commission meetings are suspended due to a State of Emergency in response to the COVID-19 pandemic. The Commission's hearing room will be open to the public at 25% capacity to view the meeting and make public comment. Members of the public may also observe the meeting on [YouTube](#) or by telephone at (877) 411-9748; access code 723284, and may comment during the meeting via telephone or electronically using the Commission's public participation portal found at <http://mediasite.fppc.ca.gov/>. If a Commissioner is participating from a remote location, that location will not be open to the public.

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 May 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.

Advertisements

3. **In the Matter of Protect the City of Commerce, Sponsored by California Commerce Club, Inc., Hector Chacon, Paul Fickas, California Alliance Group, LLC, and Rita Copeland; FPPC No. 16/120.** Staff: Christopher Burton, Assistant Chief of Enforcement; George Aradi, Special Investigator; and Soni Mangat, Program Specialist. Hector Chacon was represented by Anthony Willoughby, Willoughby & Associates. Protect the City of Commerce, Sponsored by California Commerce Club, Inc., Paul Fickas, and California Alliance Group, LLC were represented by non-attorney Marcus Allen Frishman of MAF Group. Protect the City of Commerce, Sponsored by California Commerce Club, Inc. was a general purpose committee that supported and opposed local candidates in the City of Commerce. The Committee was sponsored by California Commerce Club, Inc., owner and operator of the Commerce Casino. Paul Fickas was an undisclosed principal officer of the Committee, and Rita Copeland was the Committee's treasurer. California Alliance Group, LLC is a campaign consulting company. Paul Fickas and Hector Chacon were founders and senior partners of the group. The respondents failed to include the name of the Committee's sponsor, California Commerce Club, Inc., in the name of the Committee on various "hit piece" mailers, in violation of Government Code Sections 84505 and 84506 (1 count). **Total Proposed Penalty: \$40,000.**

Campaign Bank Account

4. **In the Matter San Franciscans for a Livable City, Led by Native Son Tom A. Hsieh, Opposing 13 Candidates for SFDCCC, Proudly Supported by SF Association of Realtors and its Small Business Owner Members and Tom Hsieh; FPPC No. 16/16795.** Staff: Bridgette Castillo, Senior Commission Counsel and Paul Rasey, Special Investigator. The respondents were represented by Matthew Alvarez of The Sutton Law Firm. Tom Hsieh was a successful candidate for San Francisco Democratic County Central Committee in the June 7, 2016 Primary Election. San Franciscans for a Livable City, Led by Native Son Tom A. Hsieh, Opposing 13 candidates for SFDCCC, Proudly Supported by SF Association of Realtors and its Small Business Owner Members was a local primarily formed committee controlled by Hsieh,

and Tom Hsieh for San Francisco Democratic County Central Committee 2016 was Hsieh's candidate-controlled committee. The Committee and Hsieh failed to use one designated campaign bank account for both committees, in violation of Government Code Section 85201 (1 count). **Total Proposed Penalty: \$3,500.**

Campaign Late Filer/Reporter

- 5. In the Matter of R. Pacheco for Baldwin Park City Council 2015, Ricardo Pacheco, and Gilbert Pacheco; FPPC No. 18/124.** Staff: Jenna C. Rinehart, Commission Counsel. Ricardo Pacheco was a successful candidate for member of the Baldwin Park City Council in the November 3, 2015 General Election. R. Pacheco for Baldwin Park City Council 2015 was Pacheco's candidate-controlled committee. Gilbert Pacheco was the Committee's treasurer. The Committee, Pacheco, and Pacheco failed to timely file two preelection campaign statements and six semi-annual campaign statements, in violation of Government Code Sections 84200.5 and 84200 (2 counts) and failed to timely file three 24-hour reports, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$6,500.**

Pre-Notice Default

Intent to Present Default Decision and Order at July Commission Meeting

- 6. In the Matter of Thomas Benson for Signal Hill City Council 2017 and Thomas Benson; FPPC No. 18/171.** Staff: Theresa Gilbertson, Senior Commission Counsel. Thomas Benson was an unsuccessful candidate for Signal Hill City Council during a local election held on March 7, 2017. Thomas Benson for Signal Hill City Council 2017 was Benson's candidate-controlled committee. The Committee and Benson failed to timely file three semi-annual campaign statements, in violation of Government Code Section 84200 (3 counts). **Total Proposed Penalty: \$9,000.**

General Items 7-13

- 7. Presentation on the Origins and History of the Political Reform Act of 1974.** Bob Stern, former FPPC General Counsel.
- 8. Prenotice Discussion of Amendments to Regulation 18421.5, Reporting an Expenditure for Paid Online Communications; Amendments to Regulation 18450.4., Video and Television Advertisement Disclosure; and proposed new Regulation 18450.9, Website Advertisements and Third-Party Social Media Advertisements.** Staff: Toren Lewis, Commission Counsel. Staff proposes amending Regulation 18421.5 to: 1) modernize and enhance the campaign expenditure reporting required in connection with communications where a committee has paid a third party to post favorable or unfavorable content; and 2) harmonize Regulation 18421.5 with the campaign advertising provisions of the Act. Additionally, staff proposes amending Regulation 18450.4 to provide a minor clarification related to video advertisements posted on social media and what disclosure must be included on such videos. Finally, staff proposes a new regulation to: 1) clarify disclosure requirements when a committee pays a third party (such as a social media "influencer") to post advertisements on social media; and 2) provide guidance on disclosure for advertisements paid for by a committee that are in written format, and that are posted on third-party non-social media websites. The proposed changes are presented for discussion and direction by the Commission and will be presented for Commission adoption at a subsequent meeting.

Staff Memo

Proposed Amendments to Regulation 18421.5

Proposed Amendments to Regulation 18450.4

Proposed Adoption of Regulation 18450.9

9. **In re Henning – Bray Opinion.** Staff: Dave Bainbridge, General Counsel. The Commission will consider a draft opinion interpreting Regulations 18420.1 and 18901.1, which concern campaign and advertising disclosure requirements for public agencies.

Draft Opinion

10. **Committee Updates.**

Law and Policy Committee Update.

Public Outreach and Technology Committee Update.

11. **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

12. **Executive Staff Reports.**

Enforcement Division. Angela Brereton, Chief of Enforcement

Legal Division. David Bainbridge, General Counsel

Administration and Technology Division, Loessa Hon, Chief of Administration

Executive Director Update. Galena West, Executive Director

Executive Staff Report

13. **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).)