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Commissioners Audero, Cardenas, Hatch and Hayward
Fair Political Practices Commission
1102 Q Street – Suite 3000
Sacramento, CA 95811

Re: Proposed Regulations 18308 - 18308.3 – A Tempest in a Teapot

Dear Commissioners:

I strongly oppose the adoption of the proposed regulations.

When in 1974 voters adopted the Political Reform Act, they created the Fair Political Practices Commission. Like all state agencies, and most private and nonprofit organizations, the Commission is organized along operational units, in this case divisions, that carry out the day-to-day functions of the agency. I do not believe that the voters contemplated that the Commissioners themselves would assume these functions. This is exactly what these proposed regulations would authorize and direct the Commission to do.

This is troubling for several reasons. The proposed regulations impede the smooth operation of the agency. If the Commission, and by delegation to committees, assumes administrative roles, the work of the agency will necessarily bog down by creating extra layers of review, create additional work for commissioners and staff and undermine the role of staff. By focusing on these administrative tasks, the Commission is wasting the agency's limited resources without a showing of a need to do so or whether the heavy handed approach of regulation is warranted.

For example: Do we really want the Commission to be so involved in personnel matters that it hires, disciplines and dismisses Division Chiefs, the Legislative Director and the Communications Director, or sets policies and procedures for selecting/evaluating/disciplining/dismissing other staff?¹ Is the General Counsel, an expert in political law, not qualified to determine which advice requests should be handled as Commission Opinions, regulation or declined, per the requirements of the Political Reform Act?² Does the Chief of Enforcement need someone to tell him or her how to charge violations and negotiate settlements?³

It is also disturbing that the proposed regulations that curtail staff roles came to life alongside the proposed regulations that reduce the Chair's power. Among these are regulations creating two-member committees on which the Chair is prohibited from serving and whose meetings he or she cannot attend.

¹ 1308.1(b)(3), (d)(5).

² 1308.1(b)(4), 1308.1(d)(6)(F)

³ 1308.1(b)(5)

The meetings are not subject to open-meeting laws, and so again, total secrecy. As described in news articles, these proposed regulations represent a “rebellion” against now retired Chair, Jodi Remke.

It appears that the commissioners have allowed their personal animosity toward Ms. Remke to spill over into their attitudes toward staff. They seek to institutionalize by regulation the micromanagement of the FPPC. (How ironic that Ms. Remke’s own lackluster leadership may have started this march toward micromanagement. But I digress.) These regulations will remain in force long after current commissioners are gone. The regulations will tie the hands of future staff, waste future resources and benefit those in the “regulated community” who are happy when the FPPC is too busy shuffling papers to go after big violators, lobby the legislature for higher penalties, or push for meaningful online ad disclosure that is at least as good as that being used in corporate America.

I strongly urge each of you to vote against the proposed regulations. Perhaps, with Ms. Remke’s departure, the Commission can calmly consider whether there are parts of the proposed regulations that make sense. (I’m thinking of the budget provisions). The people of California expect more of you. The constitutional officers who appointed you expect more of you. I am so very disappointed that the reputation of the FPPC has been sullied by the creation of this tempest in a teapot.

Sincerely,

Valentina Joyce