

Sasha Linker

From: Stephen Petzold <[REDACTED]>
Sent: Thursday, March 18, 2021 6:29 AM
To: CommAsst
Subject: Public Comment for March 18, 2021 FPPC Commission Meeting Item 3 Fountain Valley Stipulation

EXTERNAL EMAIL

March 18, 2021

Dear Commissioners,

Before you consider approval of the Stipulation with Fountain Valley 16/20109 I want to bring to your attention that the City's participation in the Measure HH may be more extensive than that contained in document prepared by the Enforcement Division.

The STIP did not include reference to campaign material in the form of electronic media in the form of FAQ on HH available on the internet.

While researching this campaign I discovered Item labeled #1.....FAQ about Measure HH.

This document is linked at the city's web site www.fountainvalley.org

The document should be reviewed to determine whether it qualifies as campaign material subject to FPPC rules and regulations and whether it should have been referenced in the Stipulation as mass media advertising.

It contains essentially the same inflammatory/argumentative language of the advertisement described in the Stipulation (ad in Fountain Valley Living). "Sacramento has taken \$116,000,000 from the City of Fountain Valley"

It is misleading, describing the a "one-cent local sales tax " rather than a 1% increase in the sales tax.

The language "For information about how to vote" is not appropriate when directing the voter to the office of the city clerk. Can the city clerk's office really be unbiased in counseling someone "how to vote"

The document contains the official Seal of the City , voters are directed to call the office of the city clerk.

We do not know whether city staff and public resource were used in preparing , posting, and hosting the FAQ on the web site.

If the FAQ qualifies as campaign material (electronic media ad) then it should contain the advertisement disclosure.

The extent of the Fountain Valley's campaign appears to extend beyond the magazine ad, water bill mailing, letter to influential constituents.

At a minimum this should be an aggravating circumstance requiring a MAXIMUM penalty for the Respondent.

Reference to the FAQ document should have been included in the Stipulation presented by the Enforcement Division.

My research also uncovered a mailing that did not contain an Advertisement Disclosure.

We do not know whether the City or one on the official Recipient Committees prepared and or distributed the advertisement. Presumably it was mailed, note the postal stamp.

This document is also posted on the internet without an advertisement disclosure

This mailing contained the official Seal and address for the City of Fountain Valley which is confusing to the voter and lends credibility to the mailing.

The mailing contains inflammatory/ argumentative language "The state has taken approximately \$100,000,000 of Fountain Valley's money"

The mailing refers people to the city Clerk's Office and the City's web site.

The mailing contains the signatures and official positions of Bob Hall, Daniel Lorens (sp) and Tony Coppolino, all City Employees.

At the bottom there are pictures of Police officers in uniform and a city fire facility.

The disclaimer at the very bottom is in a very small font and there is no advertisement disclosure.

On page 2 there is an Excerpted " Impartial " Analysis by the City Attorney Colin Burns. This presumably is the same City Attorney that checked the advertisement placed in Fountain Valley Magazine and determined it did not qualify as campaign material.

At a very minimum, this piece of campaign material would seem to suggest coordination and cooperation between the city leaders, city employees, and one of the registered Recipient Committees.

This should be considered an aggravating circumstance and researched by the Enforcement Division.

We note that the City's attorney in this matter is Colin Burns. This presumably is the same attorney that concluded that the Fountain Valley Living advertisement was "informational" , prepared the Impartial Analysis, and whose name appears on page 2 of the unidentifiable campaign mailer.

Based upon the totality of all the violations including the activity not disclosed in the Stipulation, it is disingenuous of of the Enforcement Division to represent that the Stipulation contains all factual and legal issues related to the illegal activity of the Respondent.

I urge the FPPC Commission to reject this Stipulation and cancel the Administrative Hearing scheduled for next week. There is adequate reason for the Enforcement Division to extend and expand it's investigation to include the electronic media outreach and coordination with declared Recipient Committees.

It is extremely generous of the Enforcement Division to reach the conclusion that the violations were merely "negligent or inadvertent and there was an absence of intention to conceal, , mislead, or deceive the public.

The violations by this Respondent cry out for nothing less than maximum penalties and fines. The proposed settlement of \$18,000 is not adequate or appropriate.

Do not approve this Stipulation as submitted for your consideration. It is incomplete and the recommended fine is too low.

Sincerely yours,

Steve Petzold
Open Government Advocate



Sent from my iPad