



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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EXECUTIVE STAFF REPORTS

July 18, 2019 Commission Hearing

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I. ENFORCEMENT DIVISION

STAFF: GALENA WEST, CHIEF OF ENFORCEMENT

I. Overview

During the period of June 1, 2019 through June 30, 2019 the Enforcement Division received 52 complaints, opened 15 for investigation, and rejected 21. The Enforcement Division received 74 late filer referrals during this time. During this time, the Enforcement Division closed a total of 110 cases including:

- 36 warning letters – advertising violations (8), campaign violations (9), lobbying violations (4) statement of economic interests violations (14), and San Bernardino County violations (1);
- 1 advisory letter for a conflict of interest violation;
- 37 no action closure letters alleging - campaign violations (7), statement of economic interests violations (27), advertisement violations (1), lobbying violations (1), and revolving door violations (1);
- 27 approved stipulations at the June Commission meeting; and
- 9 committees were administratively terminated.

The Division had 1544 cases in various stages of resolution at the time of the June Monthly Report and currently has approximately 1530 cases in various stages of resolution, including the 33 cases before the Commission as listed in the July 2019 Agenda.

On May 1, 2015, the Division received from the Secretary of State's office 2,460 \$50 Annual Fee referrals for 2013 fees not paid timely. Of those, 5 remain pending. On October 22, 2015, the Division received the \$50 Annual Fee referrals for 2014, which totaled 1,786. Of those, 11 remain pending. We are receiving 2015, 2016, 2017, and 2018 referrals periodically through the new Electronic Complaint System.

II. Annual Statistics

On the next page, you will find a chart that details the annual statistics for enforcement complaints, referrals and cases. This chart includes the data from 2018, where consistent with other years, 966 cases were closed with violations found. The penalties collected decreased as the emphasis on providing warnings increased. The information in the chart has been gathered from public reports, information from the defunct and inactive database, and data that has been converted into current form, so the numbers are close estimates in some instances.

	Year	2015	2016	2017	2018
1	Complaints Received	609	1,180	564	1,352
2	Referrals Received	596	350	1,616	1,529
3	Total Complaint and Referrals Received	1,205	1,530	2,180	2,881
4	Cases opened	2,273 ¹	1,315	1,480	1,561
5	Cases closed	1,253	1,803	1,477	1,243
6	Cases with resolutions approved by the Commission ²	333	311	340	235
	a Streamline cases approved by Commission	258	234	262	173
	b Mainline cases approved by Commission	69	70	66	56
	c Default cases approved by Commission	6	7	12	6
7	Total fines imposed by the Commission	\$703,821	\$894,257	\$1,126,933	\$499,606
8	Warning letters issued	442	489	505	554
9	Administrative terminations	116	668	297	177
10	Cases closed with violations found ³	891	1,468	1,142	966
11	Advisory letters issued	19	14	17	20
12	No action closure letters	343	321	318	252

¹ In 2015, the Enforcement Division received information regarding 2,460 \$50 Annual Fee non-payors in May and another 1,786 in October of that year. None of these came through the typical “referral” process and had to be evaluated for: whether the committee had been terminated locally or with SOS, whether the committee never qualified, whether the fees were paid prior to the referral, and whether records existed to evaluate the committee, before the information could be opened into a case. Therefore, these do not appear in the Referral line since they did not follow that process.

² Total for lines 6a, 6b, and 6c.

³ Total for lines 6, 8, and 9.

III. Unexecuted Streamline Stipulations

Streamline penalty stipulations are approved by the Chief of Enforcement and reported to the Commission for discussion only before they are executed. The following streamline stipulations are presented for that purpose. After the close of the hearing, the Chief of Enforcement may execute all or any of the streamline penalty stipulations, at her discretion per Regulation 18360.2.

Advertisements

[In the Matter of Regina Gage Salinas Valley Memorial Healthcare Board of Directors Zone 1 2018 and Regina Gage; FPPC No. 18/1491.](#) Staff: Commission Counsel Megan Van Arsdale.

Regina Gage was a successful candidate for Salinas Valley Memorial Healthcare Board of Directors in the November 6, 2018 General Election. Regina Gage Salinas Valley Memorial Healthcare Board of Directors Zone 1 2018 is her candidate-controlled committee. The Committee and Gage failed to include the proper advertisement disclaimers on a mass mailing distributed by the committee prior to the election, in violation of Government Code Section 84305 (2 counts). **Total Proposed Penalty: \$314.**

[In the Matter of CAL FIRE Local 2881 Small Contributor PAC, Gary Hawks, Rick Swan, Jim Nolan, Dennis O'Brien, Cliff Allen, and Tom Gardner; FPPC No. 16/19850.](#) Staff: Commission

Counsel Megan Van Arsdale. The respondents were represented by Richard Rios of Olson Hagel & Fishburn, LLP. CAL FIRE Local 2881 Small Contributor PAC is a state general purpose committee. Gary Hawks, Rick Swan, Jim Nolan, Dennis O'Brien, Cliff Allen, and Tom Gardner are the Committee's principal officers. The Committee and Hawks, Swan, Nolan, O'Brien, Allen and Gardner, failed to include the proper advertisement disclaimers on a flyer distributed by the committee prior to the November 8, 2016 General Election, in violation of Government Code Section 84506.5 (2 counts). **Total Proposed Penalty: \$202.**

[In the Matter of CAL FIRE Local 2881 Small Contributor PAC, Gary Hawks, Rick Swan, Jim Nolan, Dennis O'Brien, Cliff Allen, and Tom Gardner; FPPC No. 18/1557.](#) Staff: Commission

Counsel Megan Van Arsdale. The respondents were represented by Richard Rios of Olson Hagel & Fishburn, LLP. CAL FIRE Local 2881 Small Contributor PAC is a state general purpose committee. Gary Hawks, Rick Swan, Jim Nolan, Dennis O'Brien, Cliff Allen, and Tom Gardner are the Committee's principal officers. The Committee and Hawks, Swan, Nolan, O'Brien, Allen and Gardner, failed to include the proper advertisement disclaimers on a mass mailing distributed by the committee prior to the November 6, 2018 General Election, in violation of Government Code Section 84506.5 (1 count). **Total Proposed Penalty: \$160.**

Campaign Late Filer

[In the Matter of Service Employees International Union Local 721 CTW, CLC State & Local and Robert Schoonover; FPPC No. 17/1377.](#) Staff: Chief of Enforcement Galena West and

Associate Governmental Program Analyst Dominika Wojenska. The respondent was represented by Richard Rios of Olson Hagel & Fishburn, LLP. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. Service Employees International Union Local 721 CTW, CLC State & Local is a state general purpose committee. Robert

Schoonover is the Committee's treasurer. The Committee and Schoonover failed to timely file six 24-Hour Reports, in violation of Government Code Section 84203 (6 counts). **Total Proposed Penalty: \$1,355.**

[In the Matter of Beltran for Mayor 2018, Alma Beltran, and Esteissi Huerta; FPPC No. 19/382.](#)

Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Alma Beltran was a successful candidate for the re-election of Mayor in the City of Parlier, in the November 6, 2018 General Election. Beltran for Mayor 2018 is her candidate-controlled committee. Esteissi Huerta is the Committee's treasurer. The Committee, Beltran, and Huerta failed to timely file a semiannual campaign statement for the reporting period of October 21, 2018 through December 31, 2018, in violation of Government Code Section 84200 (1 count); failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (2 counts); and failed to timely file a supplemental Candidate Campaign Statement Short Form, in violation of Government Code Section 84206 (1 count). **Total Proposed Penalty: \$840.**

[In the Matter of Art Barrios for City Council 2015, Art Barrios, and Maryann Guidera Barrios; FPPC No. 18/1447.](#)

Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. Art Barrios was an unsuccessful candidate for El Monte City Council in the November 3, 2015 General Election. Art Barrios for City Council 2015 was his candidate-controlled committee. Maryann Guidera Barrios was the Committee's treasurer. The Committee, Barrios, and Barrios failed to maintain accurate records for contributions and expenditures during the reporting period of October 18, 2015 through December 31, 2015, in violation of Government Code Section 84104 (1 count); and failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (2 counts). **Total Proposed Penalty: \$733.**

[In the Matter of Better High Schools for Salinas – Yes on B 2014 and Jesse Lopez; FPPC No. 18/607.](#)

Staff: Chief of Enforcement Galena West, Special Investigator Lance Hachigian, and Associate Governmental Program Analyst Dominika Wojenska. Better High Schools for Salinas – Yes on B 2014 is a local primarily formed committee. Jesse Lopez is the Committee's treasurer. The Committee and Lopez failed to timely file three semiannual campaign statements for the reporting periods of July 1, 2016 through December 31, 2016, January 1, 2017 through June 30, 2017, and July 1, 2017 through December 31, 2017, in violation of Government Code Section 84200 (3 counts). **Total Proposed Penalty: \$600.**

[In the Matter of Scott Voigts for Lake Forest City Council 2018, Scott Voigts, and John Fugatt; FPPC No. 17/1367.](#)

Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. Scott Voigts was a successful candidate for Lake Forest City Council in the November 6, 2018 General Election. Scott Voigts for Lake Forest City Council 2018 is his candidate-controlled committee. John Fugatt is the Committee's treasurer. The Committee, Voigts, and Fugatt failed to timely file an amended Statement of Organization, in violation of Government Code Section 84103 (1 count). Voigts also failed to timely file a Statement of Intention prior to receiving contributions related to the election, in violation of Government Code Section 85200 (1 count). **Total Proposed Penalty: \$400.**

[In the Matter of Fontana Teachers Association and Troy Liggins; FPPC No. 19/388.](#) Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Fontana Teachers Association is a local general purpose committee. Troy Liggins is the Committee's treasurer. The Committee and Liggins failed to timely file a semiannual campaign statement for the reporting period of October 1, 2018 through December 31, 2018, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$318.**

[In the Matter of Carlos Taboada for West Contra Costa School Board 2018, Carlos Taboada, and Rusal Cayangyang; FPPC No. 18/977.](#) Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Carlos Taboada was an unsuccessful candidate for West Contra Costa School Board in the November 6, 2018 General Election. Carlos Taboada for West Contra Costa School Board 2018 is his candidate-controlled committee. Rusal Cayangyang is the Committee's treasurer. The Committee, Taboada, and Cayangyang failed to timely file a pre-election campaign statement for the reporting period of July 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$228.**

Statement of Economic Interests Late Filer

[In the Matter of Elizabeth Shivell; FPPC No. 16/20060.](#) Staff: Commission Counsel Megan Van Arsdale. Elizabeth Shivell, an Emeritus Member of the Child Abuse Council in the County of Santa Clara, failed to timely file a 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$600.**

[In the Matter of Michelle Molina; FPPC No. 18/483.](#) Staff: Chief of Enforcement Galena West and Staff Services Analyst Cheng Saetern. Michelle Molina, as Board Member for Downtown Long Beach Associates, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count).

Total Proposed Penalty: \$400.

[In the Matter of Preeti Hehmeyer; FPPC No. 19/461.](#) Staff: Chief of Enforcement Galena West and Staff Services Analyst Cheng Saetern. Preeti Hehmeyer, a Planning Commissioner for the City of Mountain View, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**

[In the Matter of Liang Chao; FPPC No. 19/418.](#) Staff: Chief of Enforcement Galena West and Political Reform Consultant Ginny Lambing. Liang Chao, a member of the Cupertino City Council, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87202 (1 count). **Total Proposed Penalty: \$200.**

[In the Matter of Robert Glynn; FPPC No. 19/455.](#) Staff: Chief of Enforcement Galena West and Staff Services Analyst Cheng Saetern. Robert Glynn, a Planning Commissioner for the City of Wheatland, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**

[In the Matter of George Beck; FPPC No. 18/1528.](#) Staff: Chief of Enforcement Galena West and Staff Services Analyst Shaina Elkin. George Beck, the Treasurer for Canebrake County Water District, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

[In the Matter of Craig Taylor; FPPC No. 19/305.](#) Staff: Chief of Enforcement Galena West and Staff Services Analyst Cheng Saetern. Craig Taylor, a Planning Commissioner for the City of Portola Valley, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87202 (1 count). **Total Proposed Penalty: \$200.**

[In the Matter of Mario Fonda-Bonardi; FPPC No. 19/451.](#) Staff: Chief of Enforcement Galena West and Staff Services Analyst Cheng Saetern. Mario Fonda-Bonardi, a Planning Commissioner for the City of Santa Monica, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**

[In the Matter of Lillian Perez; FPPC No. 19/037.](#) Staff: Chief of Enforcement Galena West and Staff Services Analyst Cheng Saetern. Lillian Perez, a Principal for Fallbrook Union Elementary School District, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

[In the Matter of Marilyn Surakus; FPPC No. 17/504.](#) Staff: Commission Counsel Jenna Rinehart. Marilyn Surakus, Capital Projects Coordinator with Public Works for the City of Long Beach, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

[In the Matter of Michael Dunne; FPPC No. 17/988.](#) Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Michael Dunne, a Board Member for the California Travel and Tourism Commission, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

[In the Matter of Michael Diepenbrock; FPPC No. 19/466.](#) Staff: Chief of Enforcement Galena West and Staff Services Analyst Cheng Saetern. Michael Diepenbrock, a Consultant for the California State Teacher's Retirement System, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200**

Statement of Economic Interest Late Reporter

[In the Matter of Doddanna Krishna, M.D.; FPPC No. 16/072.](#) Staff: Assistant Chief Counsel Angela Brereton and Special Investigator Paul Rasey. The respondent was represented by Brian Hildreth of Bell, McAndrews & Hiltachk, LLP. Doddanna Krishna, M.D., as a member of the Antelope Valley Healthcare District Board of Directors, failed to timely disclose sources of income on his 2013, 2014 and 2015 Annual Statements of Economic Interests; and his Leaving Office Statement of Economic Interests, in violation of Government Code Section 87300 (22 counts). **Total Proposed Penalty: \$2,200.**

[In the Matter of Micah Posner; FPPC No. 16/288.](#) Staff: Assistant Chief Counsel Angela Brereton and Special Investigator Roone Peterson. Micah Posner, as a member of the Santa Cruz City Council, failed to timely disclose investments, real property, and/or business positions on his 2013 and 2014 Annual Statements of Economic Interests, in violation of Government Code Sections 87206 and 87209 (4 counts). **Total Proposed Penalty: \$400.**

[In the Matter of Tina Shull; FPPC No. 19/640.](#) Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Tina Shull, the Assistant City Manager for the City of Santa Cruz, failed to timely disclose two investment interests held by her spouse, and a source of income to her spouse on her 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (3 counts). **Total Proposed Penalty: \$300.**

[In the Matter of Mukund Shah, M.D.; FPPC No. 16/070.](#) Staff: Assistant Chief Counsel Angela Brereton and Special Investigator Paul Rasey. The respondent was represented by Brian Hildreth of Bell, McAndrews & Hiltachk, LLP. Mukund Shah, M.D., as a member of the Antelope Valley Healthcare District Board of Directors, failed to timely disclose leasehold interests on his 2015 and 2016 Annual Statements of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$200.**

II. LEGAL DIVISION

STAFF:

DAVID BAINBRIDGE, GENERAL COUNSEL

A. Pending Litigation

California State Association of Counties and California School Boards Association v. FPPC
Los Angeles County Superior Court, Central District, Case No. BS174653

On September 11, 2018, petitioners served a first amended petition for writ of mandate and complaint for declaratory relief. Petitioners allege that Regulations 18420.1 and 18901.1 are invalid as a matter of law, that the Commission has exceeded its jurisdiction in adopting these Regulations, and that the Regulations are unenforceable.

The Attorney General's Office is representing the Commission and timely filed an answer to the petition/complaint. On March 4, 2019, the Commission filed a Motion for Judgment on the Pleadings.

On March 29, 2019, the Commission's Motion for Judgment on the Pleadings was granted with leave to amend. The court vacated all hearing dates and set a new trial setting conference. Plaintiffs timely filed a Second Amended Complaint (SAC) on June 27, 2019. The Commission has 30 days to file a demurrer or answer to the SAC. A trial setting conference is currently set for July 26, 2019, at 9:30 a.m.

Howard Jarvis Taxpayers Association, et al. v. Edmund Brown, et al.
Court of Appeal, Third Appellate District, Case No. C086334

On December 12, 2016, the Howard Jarvis Taxpayers Association and retired State Senator and Judge Quentin L. Kopp filed a lawsuit against Governor Brown and the Commission to invalidate a new law that would allow public funds to be used for political campaigning. In September of 2016, the Governor signed Senate Bill 1107 which authorizes the use of public funds to finance campaigns if a jurisdiction adopts a law or ordinance creating a public financing program. Plaintiffs allege the new law improperly eliminates the prohibition against public financing of campaigns, implemented pursuant to Proposition 73 in 1988, because it was done without voter approval. In addition, plaintiffs allege that the new law violates the Political Reform Act because it does not "further the purposes of the Act," an express requirement in the Act for legislative amendment. The Attorney General's Office is representing both Governor Brown and the Commission in this litigation. A hearing was held in Superior Court on August 4, 2017. After taking the matter under submission, the Court issued a Ruling, dated August 23, 2017, "entering a judgment declaring that the amendments made to Government Code section 85300 by Senate Bill No. 1107 are void and have no legal effect; and an injunction restraining Respondents from enforcing the unconstitutional amendments made by Senate Bill No. 1107."

In closed session at its meeting on September 21, 2017, the Commission voted to appeal the Superior Court decision. The Notice of Appeal was filed with the Third District Court of Appeal on January 9, 2018. Appellants' Opening Brief was timely filed on September 21, 2018. Respondents' Brief was timely filed on December 10, 2018. Appellants' Reply Brief was timely filed on March 1, 2019. All appellate briefs are submitted. Further action on this matter will be determined by the court's order, most likely to set a date for oral argument.

B. Outreach and Training

- In June, Political Reform Consultant, Katie Trumbly, and Manager, Deborah Hanephin, delivered 4 workshops to some 60 attendees in Humboldt County. Filing officers, candidates, treasurers, and concerned citizens from cities and counties across the northern part of the state travelled to Eureka to learn about campaign and Form 700 disclosure responsibilities.
- Manager, Deborah Hanephin and Political Reform Consultant, Aly Larson, provided instruction to a walk-in customer who is considering a run for public office.
- Communications Director, Jay Wierenga and Manager, Deborah Hanephin delivered an informational session about FPPC to a delegation of 5 parliamentary staffers from Uzbekistan.
- Video Tutorials: Commission video tutorials were accessed a total of 233 times in June; Form 700 videos were viewed 145 times, the Candidate/Treasurer video was viewed 21 times, and the filing officer videos were viewed 67 times.
- Filing Schedules: Staff posted filing schedules for the March 2020 primaries at the state and local levels.

C. Advice

In June 2019, the Legal Division responded to the following requests for advice:

- **Education Program:** The Education Program responded to 372 requests for technical assistance via phone.
- **Requests for Advice:** Legal Division Political Reform Consultants and attorneys collectively responded to more than 465 e-mail and telephone requests for advice, 16 of which were not responded to within 24 hours.
- **Advice Letters:** The Legal Division received 17 new advice letter requests under the Political Reform Act and completed 30 letters.

- **Section 1090 Letters:** The Legal Division received 6 advice letter requests concerning Section 1090 and completed 5 letters. This year to date, we have received 41 advice requests regarding Section 1090.

D. Miscellaneous Decisions

None to report.

E. Potential Upcoming Regulations

August 15th, 2019

- Regulation 18419: Sponsored Committee Rules including (1) Time Periods for Analyzing Whether a Committee Qualified as Sponsored, (2) Naming Requirements, and (3) Harmonizing with Section 84222. (Prenotice Discussion.)

September 19th, 2019

- Disclose Act Related Regulation Package. (Prenotice Discussion.)
- Regulation 18422: Multipurpose Organization Record Keeping. (Adoption.)

October 17th, 2019

- Regulation 18702.4: Conflict of Interest Analysis, Source of Gift Materiality Threshold. (Prenotice Discussion.)
- Regulation 18702.5: Conflict of Interest Analysis, Personal Financial Effect Materiality Threshold. (Prenotice Discussion.)
- Regulation 18419: Sponsored Committee Rules including (1) Time Periods for Analyzing Whether a Committee Qualified as Sponsored, (2) Naming Requirements, and (3) Harmonizing with Section 84222. (Adoption.)

F. Conflict of Interest Codes

Adoptions and Amendments

State Agency Conflict of Interest Codes

- Business, Consumer Services and Housing Agency
- Government Operations Agency
- State Coastal Conservancy

Multi-County Agency Conflict of Interest Codes

- CA Fair Services Authority
- Central CA Alliance for Health
- Chowchilla Water District

- Dinuba Unified School District
- Redwood Empire Municipal Insurance Fund
- Santa Clarita Valley Groundwater Sustainability Agency

Exemptions

None to report.

Extensions

None to report.

G. Probable Cause Hearings

Please note, a finding of probable cause does not constitute a finding that a violation has occurred. The respondents are presumed to be innocent of any violation of the Act unless a violation is proven in a subsequent proceeding.

1. ***In the Matter of Citizens for Kain – Assembly '14, Palmer Kain, Jay Mosley, and Marc Baylen, Case No. 16-467.*** On June 12, 2019, after hearing, probable cause was found to believe that Respondents committed the following violations of the Act:

Count 1: The Committee, Kain, and Mosley failed to timely file a preelection campaign statement for the reporting period of January 1, 2014 to March 17, 2014, in violation of Sections 84200.5, subdivision (a); and 84200.7, subdivision (a)(1).

Count 2: The Committee, Kain, and Mosley failed to timely file a preelection campaign statement for the reporting period of March 18, 2014 to May 17, 2014, in violation of Sections 84200.5, subdivision (a); and 84200.7, subdivision (a)(2).

Count 3: The Committee, Kain, Mosley, and Baylen failed to timely file a 24-hour contribution report for a late contribution in the amount of \$4,100 made on October 13, 2014, in violation of Section 84203.

Count 4: The Committee, Kain, and Mosley failed to timely report \$250 in contributions and \$2,825.33 in expenditures on the Committee's preelection campaign statement for the reporting period of January 1, 2014 to March 17, 2014; in violation of Section 84211, subdivisions (a), (b), (c), (f), (i), (j), and (k).

Count 5: The Committee, Kain, and Mosley failed to timely report \$156.57 in contributions and \$248.18 in expenditures on the Committee's preelection campaign statement for the reporting period of March 18, 2014 to May 17, 2014, in violation of Section 84211, subdivisions (a), (b), (d), (i), (j), and (k).

- Count 6: The Committee, Kain, Mosley, and Baylen failed to timely report \$90 in contributions and \$28 in expenditures on the Committee's semiannual campaign statement for the reporting period of May 18, 2014 to June 30, 2014, in violation of Section 84211, subdivisions (a), (b), (d), and (j).
- Count 7: The Committee, Kain, Mosley, and Baylen failed to timely report \$1,479 in contributions and \$4,730.63 in expenditures on the Committee's preelection campaign statement for the reporting period of July 1, 2014 to September 30, 2014, in violation of Section 84211, subdivisions (a), (b), (c), (f), (i), and (k).
- Count 8: The Committee, Kain, Mosley, and Baylen failed to timely report \$1,127.63 in expenditures on the Committee's preelection campaign statement for the reporting period of October 1, 2014 to October 18, 2014, in violation of Section 84211, subdivisions (b), (i), (j), and (k).
- Count 9: The Committee, Kain, Mosley, and Baylen failed to timely report \$260 in contributions and \$380.85 in expenditures on the Committee's semiannual campaign statement for the reporting period of October 19, 2014 to December 31, 2014, in violation of Section 84211, subdivisions (a), (b), (c), (d), (f), and (j).
- Count 10: The Committee, Kain, Mosley, and Baylen failed to pay \$168.50 in expenditures from the designated campaign bank account, in violation of Section 85201, subdivisions (d) and (e).
- Count 11: The Committee, Kain, Mosley, and Baylen failed to maintain adequate source documentation for contributions amounting to \$9,856.19 and expenditures amounting to \$13,783.52, in violation of Section 84104 and Regulation 18401.

The following matters were decided based solely on the papers. The respondents did not request a probable cause hearing.

2. ***In the Matter of Matthew Turner, FPPC No. 17/1143.*** On June 4, 2019, probable cause was found to believe Respondent committed the following violations of the Act:

Count 1: Turner failed to timely file an a 2016 Annual SEI by April 3, 2017, in violation of Section 87203.

Count 2: Turner failed to timely file a Leaving Office SEI by October 11, 2017, in violation of Section 87204.

3. ***In the Matter of Esau Herrera for Assembly 2016, Esau Herrera for School Board 2018, Esau Herrera, and Rebecca Rivera, Case No. 17-849.*** On June 27, 2019, probable cause was found to believe Respondents committed the following violations of the Act:

- Count 1: The 2016 Assembly Committee, Herrera, and Rivera failed to timely file a pre-election statement for the reporting period of January 1, 2016 through April 23, 2016 by the deadline of April 28, 2016, in violation of Section 84200.5.
- Count 2: The 2016 Assembly Committee, Herrera, and Rivera failed to timely file a semiannual campaign statement for the reporting period of May 22, 2016 through June 30, 2016 by the deadline of August 1, 2016, in violation of Section 84200.
- Count 3: The 2016 Assembly Committee, Herrera, and Rivera failed to timely file a semiannual campaign statement for the reporting period of July 1, 2016 through December 31, 2016 by the deadline of January 31, 2017, in violation of Section 84200.
- Count 4: The 2016 Assembly Committee, Herrera, and Rivera accepted an over the limit contribution of \$40,000 from David Townsley on or around April 12, 2016, in violation of Section 85301, subdivision (a) and Regulation 18545, subdivision (c).
- Count 5: The 2016 Assembly Committee, Herrera, and Rivera accepted a \$1,000 contribution of cash and made a \$648 cash expenditure, in violation of Section 84300.
- Count 6: The 2018 School Board Committee and Herrera failed to timely file a pre-election campaign statement for the reporting period of January 1, 2018 through September 22, 2018 by the deadline of September 27, 2018, in violation of Section 84200.5.
- Count 7: The 2018 School Board Committee and Herrera failed to timely file a semiannual campaign statement for the reporting period of October 21, 2018 through December 31, 2018 by the deadline of January 31, 2019, in violation of Section 84200.

III. ADMINISTRATION & TECHNOLOGY DIVISION

STAFF: LORESSA HON, CHIEF OF ADMINISTRATION

New Employee Report

Legal Division

Toren Lewis, FPPC Counsel

Enforcement Division

Alethea Perez, Special Investigator