



EXECUTIVE STAFF REPORTS

October 19, 2023 Commission Hearing

CONTENTS

EXECUTIVE STAFF REPORTS.....	1
CONTENTS.....	1
I. ENFORCEMENT DIVISION	3
A. Overview	3
B. Annual Statistics.....	4
C. 2022-2023 Quarterly Caseload Summary	5
D. Presentations	5
E. Unexecuted Streamline Stipulations.....	5
II. AUDIT DIVISION.....	8
A. Overview	8
B. Current Period Updates	8
III. LEGAL DIVISION.....	9
A. Pending Litigation.....	9
B. Outreach and Training.....	9
C. New and Updated Educational Resources.....	9
D. Political Reform Education Program (PREP):.....	10
E. Advice.....	10
F. Miscellaneous Decisions.....	10
G. Upcoming Regulation Projects	10
H. Conflict of Interest Codes	11
I. Probable Cause Proceedings.....	11
IV. ADMINISTRATION & TECHNOLOGY DIVISION.....	12
A. New Employee Report.....	12

B. Statement of Economic Interest (Form 700) 12

I. ENFORCEMENT DIVISION

STAFF: JAMES M. LINDSAY, CHIEF OF ENFORCEMENT

A. Overview

During the period of September 1, 2023 through September 30, 2023 the Enforcement Division received the following complaints and referrals:

	Sworn	Non-Sworn	Anonymous	Referrals
Number Received	29	4	21	341

When compared to the Annual Statistics chart in Section B, the number of complaints was standard for a non-election year, but the number of referrals was significantly higher than normal. For the month of September, more time to respond beyond the 14-day statutory period was needed for 4¹ sworn complaints.

Additionally, the Enforcement Division opened 66 cases from complaints and referrals received, rejected 142 complaints and referrals, and closed a total of 114 cases including:

- 82 warning letters – advertisement violations (7), campaign violations (17), lobbying reporting violation (1), statement of economic interests violations (56), and unlawful honorarium violation (1);
- 2 no action closure letters: PREP completed – statement of economic interests violations;
- 14 no action closure letters alleging – advertisement violations (3), campaign violations (4), conflict of interest violations (4), lobbying reporting violation (1), and statement of economic interests violations (2);
- 6 approved stipulations from the August and September Commission meetings;
- 2 advisory letters;
- 7 committees were administratively terminated; and
- 1 closed as a duplicate.

The Division had 1,191 cases in various stages of resolution at the time of the September Monthly Report and currently has approximately 1,143 cases in various stages of resolution, including the 9 cases before the Commission as listed in the October Agenda (2 for mainline consideration and 7 streamline listed in the Executive Staff Report).

¹ This figure includes 1 sworn complaint received in August 2023.

B. Annual Statistics

On the next page, you will find a chart that details the annual statistics for enforcement complaints, referrals and cases. This chart has appeared in previous Enforcement Division reports but provides useful historical data for comparison to the monthly data provided in Section A.

	Year	2018	2019	2020	2021	2022
1	Complaints Received	1,352	744	1,390	606	1,379
2	Referrals Received	1,529	1,950	1,518	1,751	1,724
3	Total Complaint and Referrals Received	2,881	2,694	2,908	2,357	3,103
4	Cases opened	1,561	1,820	1,155	1,185	990
5	Cases closed ³	1,243	1,465	1,526	1,058	1,075
6	Cases with penalties ²	235	343	278	269	161
	a Streamline cases	173	263	194	234	142
	b Mainline cases	56	73	77	32	14
	c Default cases	6	7	7	3	5
7	Total fines imposed	\$499,606	\$797,384	\$1,940,107	\$472,248	\$617,548
8	Warning letters issued	554	584	777	475	681
9	Administrative terminations	177	104	62	59	53
10	Cases closed with violations found ³	966	1,031	1,117	803	895
11	Advisory letters issued	20	9	7	16	8
12	No action closure letters	252	423	402	237	217

² Total for lines 6a, 6b, and 6c.

³ Total for lines 6, 8, and 9.

³ Total cases closed includes Commission approved cases from the previous year and Commission approved administrative judgements. It does not include Commission approved cases not yet closed.

C. 2022-2023 Quarterly Caseload Summary

	December 2022	March 2023	June 2023	September 2023	Difference in Existing Caseload Overall
2016	3	3	0	0	-3
2017	5	5	2	2	-3
2018	89	68	56	34	-55
2019	195	166	125	69	-126
2020	301	269	234	201	-100
2021	382	346	298	232	-150
2022	440	365	329	295	-145

D. Presentations

None to report.

E. 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 the Chief's discretion per Regulation 18360.2.

Since the last Monthly Report, the Enforcement Chief has not used discretion to increase the penalties for Tier Two advertising violations resulting in public confusion, under Regulation 18360.3(d)(7)(B)(i)(b), or to increase the penalties for Tier Two violations involving the same candidate, committee, or principal officer who has paid a Tier One penalty to the Commission or received a Warning Letter from the Commission for the same type of violation occurring within the last five years, based on the resulting public harm.

The Enforcement Chief used discretion under Regulations 18360.1 and 18360.3 to exclude violations in the following streamline cases presented with this report: In the Matter of Friends of Caleen Sisk Assembly District 1 - 2018, Caleen Sisk, and April Carmelo; FPPC No. 19/061 [The Chief of Enforcement may include or exclude any filer from receiving a Tier Two streamline penalty based upon mitigating or aggravating circumstances and the totality of the circumstances, including situations where an exclusion may apply.]; In the Matter of No on Prop 22, sponsored by Labor Organizations and Art Pulaski; FPPC No. 23/445 [The Chief of Enforcement may include or exclude any filer from receiving a Tier Two streamline penalty based upon mitigating or aggravating circumstances and the totality of the circumstances, including situations where an exclusion may apply.]; In the Matter of County of Humboldt;

FPPC No. 20/434 [The Chief of Enforcement may include or exclude any filer from receiving a Tier Two streamline penalty based upon mitigating or aggravating circumstances and the totality of the circumstances, including situations where an exclusion may apply.]; In the Matter of Alcantar for City Council 2018, Elizabeth Alcantar, and Oscar Moreno; FPPC No. 18/1142 [The Chief of Enforcement may include or exclude any filer from receiving a streamline penalty based upon mitigating or aggravating circumstances and the totality of the circumstances, including situations where an exclusion may apply.] Here, in the interest of settlement, six counts of failing to timely file semi-annual campaign statements (84200) and one count of failing to timely file a statement of economic interests (87203) have been excluded; In the Matter of Christine Salazar for School Board 2020 and Christine Salazar; FPPC No. 20/959 [The Chief of Enforcement may include or exclude any filer from receiving a streamline penalty based upon mitigating or aggravating circumstances and the totality of the circumstances, including situations where an exclusion may apply.]

Recordkeeping

In the Matter of Caleen Sisk, Friends of Caleen Sisk Assembly District 1 - 2018, and April Carmelo; FPPC No. 19/061. Staff: Jenna C. Rinehart, Commission Counsel and Katelin Angeloni, Special Investigator. Caleen Sisk was a successful candidate for District 1 State Assembly in the June 5, 2018 Primary Election but was defeated in the November 6, 2018 General Election. Friends of Caleen Sisk Assembly District 1 – 2018 was Sisk’s controlled committee. April Carmelo served as the Committee’s treasurer. Sisk, Carmelo, and the Committee failed to timely file two pre-election campaign statements, in violation of Government Code Section 84200.5 (2 counts). Additionally, Sisk, Carmelo, and the Committee failed to timely file four 24-hour contribution reports, in violation of Government Code Section 84203 (4 counts), and failed to maintain detailed campaign records, in violation of Government Code Section 84104 (5 counts). **Total Penalty: \$3,463 (Tier One).**

Advertisements

In the Matter of No on Prop 22, sponsored by Labor Organizations, Art Pulaski; FPPC No. 23/445. Staff: Alex Rose, Commission Counsel and Lance Hachigian, Special Investigator. The respondents are represented by Kelly Liang of Olson Remcho. No on Prop 22, sponsored by Labor Organizations was a local primarily formed committee. Art Pulaski was the Committee’s treasurer. The Committee and Pulaski failed to include the proper advertising disclosures on two flyers distributed prior to the November 3, 2020 General Election, in violation of Government Code Sections 84502 and 84503 (2 counts). **Total Penalty: \$844 (Tier Two).**

Lobbying Reporting

In the Matter of County of Humboldt; FPPC No. 20/434. Staff: Theresa Gilbertson, Senior Commission Counsel. County of Humboldt, a lobbyist employer, failed to timely file eight lobbyist employer quarterly reports, in violation of Government Code Section 86116 (8 counts). **Total Penalty \$9,546 (Tier Two).**

In the Matter of Cobalt Institute; FPPC No. 23/252. Staff: James M. Lindsay, Chief of Enforcement and Ginny Brown, Political Reform Consultant. The respondent is represented by Gary S. Winuk of Kaufman Legal Group. Cobalt Institute, a lobbyist employer, failed to timely file four lobbyist employer quarterly reports, in violation of Government Code Section 86116 (4 counts). **Total Penalty: \$1,392 (Tier One).**

Campaign Late Filer

In the Matter of Elizabeth Alcantar, Alcantar for City Council 2018, and Oscar Moreno; FPPC No. 18/1142. Staff: Jenna C. Rinehart, Commission Counsel and Roone Petersen, Special Investigator. The respondents were represented by Latrice Burks of Larson LLP. Elizabeth Alcantar was a successful candidate for Cudahy City Council in the November 6, 2018 General Election. Alcantar for City Council 2018 is Alcantar's controlled committee. Oscar Moreno serves as the Committee's treasurer. Alcantar failed to timely file a statement of intention prior to the solicitation or receipt of any contributions or loans, in violation of Government Code Section 85200 (1 count). The Committee failed to timely file an amendment to its statement of organization to disclose its date of qualification, in violation of Government Code Section 84103 (1 count). Additionally, the Committee failed to timely file a 24-hour contribution report and three semi-annual campaign statements, in violation of Government Code Sections 84203 and 84200 (4 counts). Lastly, as a City Council member, Alcantar failed to timely file the 2019 and 2020 Annual SEIs, in violation of Government Code Section 87203 (2 counts). **Total Penalty: \$7,327 (Tiers One & Two).**

In the Matter of Christine Salazar for School Board 2020; Christine Salazar; FPPC No. 20/959. Staff: Alex Rose, Commission Counsel. Christine Salazar was a successful candidate for Hacienda La Puente School Board in the November 3, 2020 General Election. Christine Salazar for School Board 2020 was Salazar's candidate-controlled committee. The Committee and Salazar failed to timely file six semi-annual campaign statements and one 24-hour contribution report, in violation of Government Code Sections 84200 and 84203 (7 counts). **Total Penalty: \$1,692 (Tier One).**

Statement of Economic Interests Late Filer

In the Matter of Vincent Andreotti; FPPC No. 23/521. Staff: James M. Lindsay, Chief of Enforcement and Amber Rodriguez, Political Reform Consultant. Vincent Andreotti, a Member for the Rice Commission, failed to timely file a 2020 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$800 (Tier Two).**

II. AUDIT DIVISION

STAFF: SHRDHA SHAH, CHIEF OF AUDITS

Audits are conducted per Government Code sections 90000 - 90008 of the Political Reform Act (the Act). The Act requires full disclosure of receipts and expenditures of candidates and committees and disclosure of the finances of lobbyists. The purpose of the audits is to determine the level of compliance of the auditees with the Act. The opinions expressed in the audit report reflect the level of compliance with the Act. The FPPC is not responsible for the contents of the candidate's documents. Audit reports are then submitted to the Enforcement Division for further review.

A. Overview

The audit reports prepared by the FPPC summarize findings with respect to the filer's conformity with the disclosure and recordkeeping requirements of the Political Reform Act. Copies of audit reports are always sent to the auditees and those included in the audit report (such as the prior treasurer, current treasurer, and/or their representatives). These reports are public documents.

B. Current Period Updates

During the period of September 1, 2023, through September 30, 2023, the Audits and Assistance Division adopted 2 audit reports, both with no findings. Currently, the team has 34 audits in progress at various stages, including fieldwork, post-fieldwork, and quality review.

Details of the audit report adopted during the period are as follows:

1. **Connie Conway for Board of Equalization 2018 (ID#1397140)**

- No findings noted.

2. **Turner for State Board of Equalization 2018 (ID# 1398110)**

- No findings noted.
-

III. LEGAL DIVISION

STAFF: DAVE BAINBRIDGE, GENERAL COUNSEL

A. Pending Litigation

None

B. Outreach and Training

Webinars & Workshops

- September 13, the FPPC presented a Statement of Economic Interests Filers webinar requested by the State Water Resources Control Board. Education and External Affairs Unit Manager, Chloe Hackert, and Political Reform Consultant, Katie Trumbly, presented. 385 people attended.
- September 19, the FPPC hosted a Campaign Filing Officer webinar. Political Reform Consultants, Adam Ramirez and Katie Trumbly, presented. 17 people attended.
- September 20, the FPPC presented a Candidate/Treasurer webinar requested by the CAGOP. Political Reform Consultant, Alexandra Castllo, presented. 26 people attended.
- September 26, the FPPC presented a Statement of Economic Interests Filers webinar requested by the California Department of Food and Agriculture / San Diego Fair. Political Reform Consultant, Stephen Hernandez, presented. 15 people attended.
- September 27, the FPPC hosted a Statement of Economic Interests Filing Officer webinar. Education and External Affairs Unit Manager, Chloe Hackert, Political Reform Consultant, Stephen Hernandez, and Associate Governmental Program Analyst, Andrea Carey, presented. 14 people attended.

Scheduled Webinars

- October 17, the FPPC is hosting a Campaign Filing Officer webinar.
- October 24, the FPPC is hosting a Candidate/Treasurer webinar.
- November 1, the FPPC is hosting a Levine Act/Section 84308 webinar

Video Tutorials: Commission video tutorials were accessed a total of 441 times in September. Form 700 videos were accessed 278 times, the Candidate/Treasurer video was accessed 90 times, and the filing officer videos were accessed 74 times.

C. New and Updated Educational Resources

- Updated [Filing Officer Retention Schedule Fact Sheet](#)

D. Political Reform Education Program (PREP):

In September, PREP received 14 referrals for the Statement of Economic Interests course. During this time, 8 learners completed PREP, 3 learners failed to complete PREP, and 18 learners are enrolled but have not yet completed the course.

E. Advice

The [September Advice Letter Report](https://fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports/2023-advice-letter-reports.html) is available on the FPPC website at <https://fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports/2023-advice-letter-reports.html>.

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

- **Education:** The Education unit responded to 310 requests for technical assistance via telephone.
- **Requests for Advice:** Political Reform Consultants and Legal Division attorneys collectively responded to 460 email requests for advice, 140 of which were not responded to within 24 hours and 60 of those were not responded to within 48 hours.
- **Advice Letters:** The Legal Division received 8 advice letter requests under the Political Reform Act and completed 6.
- **Section 1090 Letters:** The Legal Division received 7 advice letter request concerning Section 1090 and completed 5. This year to date, we have received 53 advice requests regarding Section 1090.

F. Miscellaneous Decisions

None.

G. Upcoming Regulation Projects

November

- Lobbying of CA Citizens Redistricting Commission – Clarify in regulation that attempting to influence members of the California Citizens Redistricting Commission can qualify as “lobbying” under the Act. (Adoption)
- Contributions to candidates not appearing in a general election – Adopt a regulation detailing what a candidate-controlled committee may do with contributions for a general election when the candidate withdraws from the primary election or wins in the primary such that no general election is held. (Adoption)

For more information on these and other regulation projects planned for 2023, go to <https://www.fppc.ca.gov/the-law/fppc-regulations.html>.

H. Conflict of Interest Codes

Adoptions and Amendments

State Agencies

- CA Unemployment Insurance Appeals Board
- Fiscal Crisis & Management Assistance Team

Multi-County Agencies

- Cosumnes Groundwater Authority
- East Kern Healthcare District
- Sonoma Mendocino Economic Development District
- Regional Water Authority
- Yucaipa Valley Water District

Exemptions

None.

Extensions

None.

I. Probable Cause Proceedings

None.

IV. ADMINISTRATION & TECHNOLOGY DIVISION

STAFF: LORESSA HON, CHIEF OF ADMINISTRATION

A. New Employee Report

Enforcement Division

Jaleena Evans, Enforcement Commission Counsel

Vanessa Jimmy, Enforcement Commission Counsel

Cinthya Benabe, Enforcement Commission Counsel

B. Statement of Economic Interest (Form 700)

As of October 1, 2023, 291 persons out of 17,110 who were required under their state or local agency conflict of interest code to file a 2022/2023 Annual Form 700 have not timely done so.