



EXECUTIVE STAFF REPORTS

October 17, 2024, Commission Hearing

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I. ENFORCEMENT DIVISION

STAFF: JAMES M. LINDSAY, CHIEF OF ENFORCEMENT

A. Overview

During the period of September 1, 2024, through September 30, 2024, the Enforcement Division received the following complaints and referrals:

	Sworn	Non-Sworn	Anonymous	Referrals
Number Received	88	16	94	128

The number of complaints received by the Enforcement Division increased significantly in September while the number of referrals was similar to previous months in 2024.

For the month of September, more time to respond beyond the 14-day statutory period was needed for approximately 8 sworn complaints. Generally, additional time to respond was utilized in order to give respondents more time to respond to inquiries when it was requested.

Additionally, for the month of September, the Enforcement Division opened 120 cases, rejected 146 complaints and referrals, and closed a total of 140 cases including:

- 75 warning letters – advertisement violations (2), gift-over-the-limit violations (1), campaign violations (10), non-PRA violations (1), lobbying reporting (2), and statement of economic interests violations (59);
- 27 no action closure letters: PREP completed – statement of economic interests violations;
- 23 no action closure letters alleging – advertisement violations (4), campaign violations (2), conflict of interests violations (4), gift-over-the-limit violations (6), and statement of economic interests violations (7);
- 12 approved stipulations from the September Commission meeting;
- 1 advisory letter;
- 2 cases closed as a duplicates.

The Division had a total of 883 cases in various stages of resolution at the time of the August Monthly Report and currently has approximately 863 cases in various stages of resolution, including the 11 streamline cases, 2 mainline cases, and 4 default cases before the Commission as listed in the October Agenda. Net case closures since the last monthly report totaled 20.

B. Annual Statistics

The following is a chart that details the annual statistics for enforcement complaints, referrals and cases over the past five years. The statistics show a marked increase in complaints during election years while referrals have generally increased gradually over time.

	Year	2019	2020	2021	2022	2023
1	Complaints Received	744	1,390	606	1,379	653
2	Referrals Received	1,950	1,518	1,751	1,724	1,971
3	Total Complaint and Referrals Received	2,694	2,908	2,357	3,103	2,624
4	Cases opened	1,820	1,155	1,185	990	831
5	Cases closed ³	1,465	1,526	1,058	1,075	1,295
6	Cases with penalties ¹	343	278	269	161	98
	a Streamline cases	263	194	234	142	55
	b Mainline cases	73	77	32	14	11
	c Default cases	7	7	3	5	1
7	Total fines imposed	\$797,384	\$1,940,107	\$472,248	\$617,548	\$376,531
8	Warning letters issued	584	777	475	681	813
9	Administrative terminations	104	62	59	53	87
10	Cases closed with violations found ²	1,031	1,117	803	895	998
11	Advisory letters issued	9	7	16	8	15
12	No action closure letters	423	402	237	217	296
	a PREP Completed	--	--	--	39	86

¹ Total for lines 6a, 6b, and 6c.

² 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

The following is a chart that compares the number of cases from given years at the end of each quarter during 2023. Enforcement has successfully focused on the resolution of older cases.

	September 2023	December 2023	March 2024	June 2024	September 2024	Difference in Existing Caseload Overall
2017	2	1	0	0	0	-2
2018	34	21	12	8	8	-26
2019	69	39	23	22	21	-48
2020	201	153	118	103	84	-117
2021	232	167	148	124	105	-127
2022	307	248	213	191	165	-142
2023	295	323	276	260	236	-59

D. Presentations

None

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.

Advertisements

[In the Matter of Menlo Park Firefighters Legislative Action Group and Walter Vidosh; FPPC No. 20/931](#), Staff: Laura Columbel, Commission Counsel and Alethea Perez, Special Investigator. Menlo Park Firefighters Legislative Action Group is a general purpose committee. Walter Vidosh serves as current treasurer of the Committee. The Committee and Vidosh failed to timely file five 24-Hour Reports, in violation of Government Code Section 84203 (1 count) and 84204 (4 counts). Additionally, the Committee and Vidosh failed to include the “not authorized

by” disclaimer on three mass mailings, in violation of Government Code Section 84506.5 (3 counts). **Total Penalty: \$2,095 (Tier One).**

In the Matter of The People’s Referendum to Save Our Wildlife and Way of Life and Kate Marianchild; FPPC No. 21/1021. Staff: Marissa Corona, Senior Commission Counsel and Kaitlin Osborn, Special Investigator. The People’s Referendum to Save Our Wildlife and Way of Life is a primarily formed committee that supported qualifying a measure for the ballot that never qualified. Kate Marianchild served as treasurer. The Committee and Marianchild failed to include the proper advertisement disclosure on one mass mailing, in violation of Government Code Section 84505.2 (1 count), accepted a cash contribution of \$100 or more, in violation of Government Code Section 84300 (1 count), failed to timely report contributions one semi-annual campaign statement and one quarterly statement, in violation of Government Code Section 84211 (2 counts), failed to timely amend a Statement of Organization, in violation of Government Code Section 84103 (1 count) and failed to timely file a semi-annual campaign statement and one quarterly statement, in violation of Government Code Sections 84200 and 84202.3 (2 counts). Two of these counts are eligible for a warning letter and are included in the streamline stipulation as a \$0 penalty. **Total Penalty: \$773 (Tier One and Two).**

Lobbying Reporting

In the Matter of Sloat Higgins Jensen and Associates, LLC; FPPC No. 21/312. Staff: Chance Felkins, Commission Counsel. Sloat Higgins Jensen and Associates, LLC as a lobbying firm failed to timely 17 Amendment to Registration Statements (Form 605), 10 Lobbying Firm Activity Authorization Forms (Form 602), and 29 Lobbying Firm Registration Statements (Form 601). Sloat Higgins Jensen and Associates, LLC also has not filed 3 Form 601ss and 3 Form 602s, in violation of Government Code Section 86116 (62 counts). Certain violations are eligible for a Warning Letter and are included in the streamline stipulation as a \$0 penalty. Chief Discretion was used in this matter to drop late-filer counts with no monetary activity. **Total Penalty: \$3,600 (Tiers One and Two).**

Campaign Late Reporter

In the Matter of Elizabeth Ontiveros-Cole and Elizabeth Ontiveros-Cole for District 4 Councilmember 2024; FPPC No. 24/224. Staff: Jenna C. Rinehart, Senior Commission Counsel. Elizabeth Ontiveros-Cole was a successful incumbent candidate for Pomona City Council in the March 5, 2024 Primary Election. Elizabeth Ontiveros-Cole for District 4 Councilmember 2024 is Ontiveros-Cole’s candidate-controlled committee. The Committee and Ontiveros-Cole failed to timely disclose the name of the individual primarily responsible for approving two contributions received from LLCs, in violation of Government Code Section 84211 and Regulation 18421.10 (2 counts). Chief Discretion was used in this matter. **Total Penalty: \$400 (Tier One).**

In the Matter of Fresno County Prosecutors Association PAC, David Devencenzi, Lisa Marie Urrizola-Cooper, Nathan Lambert, Kyle McPherson, and Alexander Guillermo Jr.; FPPC No. 23/459. Staff Chance Felkins, Commission Counsel. Fresno County Prosecutors Association PAC is a general purpose committee. David Devencenzi serves as the principal officer and Kyle McPherson served as the former principal officer. Lisa Urrizola-Cooper serves as the current treasurer and Alexander Guillermo Jr. and Nathan Lambert served as former treasurers. The Committee, Devencenzi, and Urrizola-Cooper failed to timely file a pre-election statement, in violation of Government Code Sections 84200.5 and 84211 (1 count). The Committee, McPherson, and Guillermo Jr. failed to timely file a pre-election statement, in violation of Government Code Sections 84200.5 and 84211 (1 count), three semi-annual statements, in violation in Government Code Sections 84200 and 84211 (3 counts), and eight 24-Hour Reports, in violation of Government Code Sections 84200.5 and 84211 (8 counts). The Committee and Lambert failed to timely file one 24-Hour Report, in violation of Government Code Sections 84200.5 and 84211 (1 count) and two semi-annual statements, in violation of Government Code Sections 84200 and 84211 (2 count). Certain violations are eligible for a Warning Letter and are included in the streamline stipulation as a \$0 penalty. Chief Discretion was used in this matter to include one count in Tier One. **Total Penalty: \$2,177 (Tier One).**

Campaign Late Filer

In the Matter of Dianne Giancarlo; FPPC No. 24/867. Staff: James M. Lindsay, Chief of Enforcement and Vanessa Greer, Political Reform Consultant. The respondent was represented by Emily Andrews of Olson Remcho LLP. Dianne Giancarlo, a state major donor committee for the calendar years 2019 through 2023, failed to timely file five semi-annual campaign statements, and two 24-Hour Reports, in violation of Government Code Sections 84200(b) and 84203 (7 counts). **Total Penalty: \$1,400 (Tier One).**

In the Matter of Pilipino American Los Angeles Democrats and Jaime Geaga; 24/862. Staff: James M. Lindsay, Chief of Enforcement and Vanessa Greer, Political Reform Consultant. Pilipino American Los Angeles Democrats is a local general purpose committee. Jaime Geaga serves as the Committee's treasurer. The Committee and Geaga failed to timely file a semi-annual campaign statement and a 24-Hour Report, in violation of Government Code Sections 84200 and 84203 (2 counts). **Total Penalty: \$662 (Tier One).**

Statement of Economic Interests Late Filer

In the Matter of Lisa Schaffner; FPPC No. 23/217. Staff: Marissa Corona, Senior Commission Counsel and Kristin Hamilton, Special Investigator. Lisa Schaffner, a Board Member for the Sonoma County Office of Education, failed to timely report sources of income on the 2018, 2019, 2020, and 2021 Annual and Leaving Office Statements of Economic Interest, in violation of Government Code Sections 87300 and 87302, subdivision (b) (5 counts). **Total Penalty: \$1,000 (Tier One).**

In the Matter of Tracy Leathers; FPPC No. 24/582. Staff: James M. Lindsay, Chief of Enforcement and Amber Rodriguez, Staff Services Analyst. Tracy Leathers, a Principal for the Alum Rock Union Elementary School District, failed to timely file the 2022 Annual and Leaving Office Statements of Economic Interests, in violation of Government Code Section 87300 (2 counts). Certain violations are eligible for a Warning Letter and are included in the streamline stipulation as a \$0 penalty. **Total Penalty: \$600 (Tier Two).**

In the Matter of Albert Yu-Min Lin; FPPC No. 24/863. Staff: James M. Lindsay, Chief of Enforcement and Amber Rodriguez, Staff Services Analyst. Albert Yu-Min Lin, a Governing Board Member for High Tech High, failed to timely file the 2023 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$200 (Tier One).**

Statement of Economic Interests Late Reporter

In the Matter of Marilyn Barke; FPPC No. 23/140. Staff: Marissa Corona, Senior Commission Counsel and Kristin Hamilton, Special Investigator. The respondent was represented by Mark Rosen of the Law Office of Mark S. Rosen. Marilyn Barke, a current Board Member for the Orange County Department of Education, failed to disclose income on the 2018, 2019, 2020, and 2021 Annual Statements of Economic Interests, in violation of Government Code Section 87206 (16 counts). **Total Penalty: \$3,200 (Tier One).**

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, 2024, to September 30, 2024, the Audits and Assistance Division adopted 2 Campaign Audit reports (1 with findings and 1 without) and 1 Lobbying Audit report (without findings). Currently, the team has 29 audits in progress at various stages, including fieldwork, post-fieldwork, and quality review.

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

1. Paul Cook for Supervisor 2020 (ID# 1421947)

- **Finding 1: Accrued Expenses**
 - Accrued expenses totaling \$88,324 were not disclosed as accrued on the Form 460 Campaign Disclosure Statements filed. Instead, the expenditures were disclosed when paid. Of this amount, a total of \$58,671 was disclosed after the primary election on the Form 460 Semi-annual Statement filed for the period ending June 30, 2020, and included \$53,119 paid for mailers to Arena Mail & Digital.

2. Roy George for Supervisor 2020 (ID# 1420593)

- **No findings noted.**

3. Tides Center (ID# E24622) – Lobbying Audit

- **No findings noted.**

III. LEGAL DIVISION

STAFF: DAVE BAINBRIDGE, GENERAL COUNSEL

A. Pending Litigation

Young v. West, Sacramento Superior Court, Case No. 24WM000132. James Young, a Water Resource Control Engineer with the State Water Resources Control Board (“Board”), appealed to the FPPC the Board’s decision not to amend the Board’s conflict of interest code to remove Mr. Young’s position from the list of designated employees required to file a Statement of Economic Interests. Executive Director West, acting on behalf of the FPPC, denied that appeal based on evidence submitted that Mr. Young’s position made or participated in governmental decisions. On September 23, 2024, Mr. Young filed a writ petition challenging the FPPC’s denial of his appeal. The FPPC filed a responsive pleading on or before October 10, 2024.

B. Outreach and Training

Webinars & Workshops

- On September 10, the FPPC presented a Campaign Filing Officer webinar. Political Reform Consultants, Adam Ramirez and Katie Trumbly, presented. 47 people attended.
- On September 17, the FPPC presented a Candidate/Treasurer webinar. Political Reform Consultants, Alexandra Castillo and Stephen Hernandez, presented. 72 people attended.

Scheduled Webinars

- On October 10, the FPPC is presenting a Completing Forms 460 & 497 webinar.
- On October 15, the FPPC is presenting a Candidate/Treasurer webinar.

Video Tutorials: Commission video tutorials were accessed a total of 581 times in August. Form 700 videos were accessed 286 times, the Candidate/Treasurer video was accessed 226 times, and the filing officer videos were accessed 69 times.

C. New and Updated Educational Resources

None

D. Political Reform Education Program (PREP):

- Statement of Economic Interests Course: PREP received 33 referrals in September. During this time, 24 learners completed PREP, 2 learners failed to complete PREP, and 55 learners are enrolled but have not yet completed the course.

- Campaign Course for Local Candidates and Candidate-Controlled Committees: 1 learner completed PREP in September, and 3 learners are enrolled but have not yet completed the course.
- Campaign Course for State Candidates and Candidate-Controlled Committees: PREP received 1 referral in September, and 1 learner is enrolled but has not yet completed the course.

E. Advice

The [September Advice Letter Report](https://www.fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports/2024-advice-letter-reports.html) is available on the FPPC website at <https://www.fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports/2024-advice-letter-reports.html>.

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

- **Telephone:** The Education unit responded to 1,055 requests for technical assistance via telephone.
- **Email Advice:** Political Reform Consultants and Legal Division attorneys collectively responded to 1,034 email requests for advice, 478 of which were not responded to within 24 hours and 335 of those were not responded to within 48 hours.
- **PRA Advice Letters:** The Legal Division received 9 advice letter requests under the Political Reform Act and completed 6.
- **Section 1090 Letters:** The Legal Division received 4 advice letter requests concerning Section 1090 and completed 3.

F. Miscellaneous Decisions

None

G. Upcoming Regulation Projects

November

COLA - Amend various regulations to reflect biennial cost of living adjustments required by statute. (Adoption)

Conflict of Interest – public generally exception – Amend current regulation to add a specific public generally exception for members of agencies primarily responsible for the management of airports and harbors, if the member has a permit or lease for use of the facilities and the decision will affect all existing permit or lease holders in a similar manner without a unique effect on the board member. (Adoption)

Carryover and return of contributions – Amend regulations concerning the carryover and return of campaign contributions by a candidate-controlled committee in response to the passage of SB 948. (Adoption)

January

Levine Act – Update regulations related to Government Code section 84308 in response to the passage of SB 1181 and SB 1243.

H. Conflict of Interest Codes

Adoptions and Amendments

State Agencies

- Mental Health Services Oversight and Accountability Commission

Multi-County Agencies

- Las Virgenes-Triunfo Public Financing Authority
- Central Coast Community Energy Authority
- West Kern Water District
- Yosemite Community College District

Exemptions

None

Extensions

None

I. Probable Cause Proceedings

Probable cause proceedings are conducted per Government Code section 83115.5. A finding of probable cause exists when the evidence supports a reasonable belief or strong suspicion that a violation occurred, but does not constitute a finding a violation occurred. Respondents are presumed innocent of any violation of the Act until a violation is proven in a subsequent proceeding.

In the Matter of Carlos Avalos, Carlos Avalos 4 Downey Schools, Case No. 20-39. On September 18, 2024, probable cause was found, based on the papers, to believe Respondents committed the following violations of the Act:

Count 1: The Committee and Avalos failed to timely file a semi-annual campaign statement for the reporting period of October 18, 2020 to December 31, 2020, by the February 1, 2021 due date, in violation of Government Code Section 84200.

Count 2: The Committee and Avalos failed to timely file a semi-annual campaign statement for the reporting period of January 1, 2021 to June 30, 2021, by the July 31, 2021 due date, in violation of Government Code Section 84200.

Count 3: The Committee and Avalos failed to timely file a semi-annual campaign statement for the reporting period of July 1, 2021 to December 31, 2021, by the January 31, 2022 due date, in violation of Government Code Section 84200.

Count 4: The Committee and Avalos failed to timely file a semi-annual campaign statement for the reporting period of January 1, 2022 to June 30, 2022, by the July 31, 2022 due date, in violation of Government Code Section 84200.

Count 5: The Committee and Avalos failed to timely file a semi-annual campaign statement for the reporting period of July 1, 2022 to December 31, 2022, by the January 31, 2023 due date, in violation of Government Code Section 84200.

Count 6: The Committee and Avalos failed to timely file a semi-annual campaign statement for the reporting period of January 1, 2023 to June 30, 2023, by the July 31, 2023 due date, in violation of Government Code Section 84200.

Count 7: The Committee and Avalos failed to timely file a semi-annual campaign statement for the reporting period of July 1, 2023 to December 31, 2023, by the January 31, 2024 due date, in violation of Government Code Section 84200.

In the Matter Jeffrey Williams, Case No. 2022-00007. On September 10, 2024, probable cause was found, on the papers, that Respondent committed the following violation of the Act:

Count 5: Williams failed to timely file his Annual 2023 SEI by the April 2, 2024 due date, in violation of Government Code Section 87300.

IV. ADMINISTRATION & TECHNOLOGY DIVISION

STAFF: JUE WANG, PhD, CHIEF OF ADMINISTRATION

A. New Employee Report

Enforcement Division

Katelyn Rader, Management Services Technician

Administration Division

Michelle Rios, Staff Services Manager I

B. Hiring Process

Enforcement Division

Attorney

Legal Division

Attorney

Staff Services Analyst

Administration Division

Information Technology Associate

Staff Services Analyst

C. Statement of Economic Interest (SEI, Form 700)

April 2 Filing Status

As of October 1, 2024, 15,662 2023 annual statements, representing approximately 98.4% of the total, have been received and processed. There are 253 non-filers. SEI staff is currently working on Enforcement referrals for all the non-filers.

Entity	Total	Filed	Not Filed
Cities A - M	3588	3522	66
Cities N - Z	2676	2602	74
Counties	830	816	14
Keenan	17	17	0
Legislative Staffers	1616	1616	0
Multi-County Agencies	4415	4344	71
State Agencies	2773	2745	28
Total	15915	15662	253
		98.4%	1.6%

Among 15,662 statements, 53% were filed through FPPC's E-filing system, 31% were filed through the Local E-Filing system, and 16% were filed on paper.

Entity	Filed	FPPC E-Filing System	Local E-Filing System	Paper Filing
Cities A - M	3522	1198	1497	827
Cities N - Z	2602	652	1497	453
Counties	816	100	520	196
Keenan	17	17	0	0
Legislative Staffers	1616	1584	0	32
Multi-County Agencies	4344	3227	389	728
State Agencies	2745	1515	959	271
Total	15662	8293	4862	2507
		53%	31%	16%

SEI Unit September Summary

- Referred 51 cases to the Enforcement
- Issued 34 fine letters
- Issued 186 Non-filer letters and 26 Amendment letters
- Processed 330 Form 462
- Responded 1409 emails from form700@fppc.ca.gov
- Re-certified 21 existing local e-filing systems and approved 3 new local e-filing systems

D. Collection/Revenue

September Report of Collection				
Category	Check	Credit Card	FTB Offset	Total
SEI Filing Fee	\$4,000	-	-	\$ 4,000
SEI Fine	\$ 200	\$ 600	\$ 100	\$ 900
PREP	\$ 50	\$ 1,350	-	\$ 1,400
Enforcement Collection	\$ 125	\$ 200	\$ 676	\$ 1,001
Enforcement Stipulations	\$ 22,274	\$ 18,139.92	-	\$ 40,413.92
Total	\$ 26,649	\$ 20,289.92	\$776	\$ 47,714.92