

## **Commissioner Audero's Summary of the 5/9/18 IP Meeting Regarding the Enforcement Process Review**

### **Suggested Subject Matters of Enforcement Process Review**

1. unfinished matters on the McPherson agenda
  - a. development of a statement of Enforcement Principles: stated focus: most resources going to most important violations
  - b. consideration of informal disposition without a hearing
2. unfinished matters on the CPAA 2015 letter
3. issues not on the McPherson agenda or the CPAA 2015 letter
4. expansion of the streamline process with respect to
  - a. monetary thresholds
  - b. what types of potential violations qualify for streamline
  - c. who may qualify for streamline (less sophisticated candidate without a professional operation, professionals who make mistakes)
  - d. expansion of usage of warning and advisory letters instead of imposing penalties for routine and technical violations
  - e. simplify the campaign reporting
  - f. inclusion of mitigating factors and circumstances
  - g. creation of a disgorgement policy that allows for disgorgement within a certain amount of time in order to reduce the enforcement penalty to either a lower amount or to an advisory warning/advisory letter
  - h. expanding the circumstances in which 24-hour reports can become part of the streamline process
  - i. efforts to curb (through statute or regulation) the abuse of the Private Attorney General provisions of the Act
5. overall tone of enforcement, thresholds and priorities, transparency, predictability, materiality standards (when fines are assessed and amount of fines), proportionality of penalties
6. treating unrepresented parties in a more fair and equitable way

7. interaction between Enforcement and Legal – providing of advice to someone undergoing an Enforcement action even when the issues are not related
8. subpoena power and practice
9. circumstances of advisory and warning letters
10. circumstances and language of closure/no action letters
11. destruction and non-production of materials in PRA Requests that were obtained in the course of administrative investigation when there is a settlement
12. duplication of fines where the local authorities already have levied fines – double jeopardy
13. this is a non-exhaustive list that can be fleshed out, but generally speaking, review from the start of the process through its conclusion

Suggested Process for Enforcement Process Review:

1. creation of a taskforce subject to Bagley Keene
  - a. two Commissioners
  - b. two CPAA representatives – one from each party
  - c. other members of the regulated community as appropriate
  - d. the public
  - e. staff (unspecified)
  - f. working-level treasurers who work with small community-level groups
  - g. people from each of the state party structures who work with local clubs

Suggested End-Product:

1. make a formal proposal as to process to the Commission
2. have the Commission hold a special meeting/s dedicated to the proposal