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August 5, 2019

VIA E-MAIL

Chair Richard C. Miadich
Commissioner Allison Hayward
Commissioner Brian Hatch
Commissioner Frank Cardenas
Fair Political Practices Commission
1102 Q Street, Suite 3000
Sacramento, CA 95811

Re: Enforcement Review Task Force

Dear Chair Miadich and Commissioners:

We are writing as Chair and Vice Chair of the Commission's Enforcement Review Task Force to provide you with a summary of the Task Force's work and our recommendation for further action.

The Task Force was created by the Commission in May 2018. The Commission ultimately selected a Task Force of 32 members representing a broad spectrum of stakeholders who either are regulated by the Political Reform Act or who actively monitor or report on the activities of those who are regulated by the Act.

The Task Force was given broad direction from the Commission and a deadline of December 2018 to complete its work. Given the scope of the potential issues, it became apparent at our initial meetings that the time-frame provided by the Commission for completing our work was insufficient. As a result, we requested additional time to complete our work, and the Commission extended the Task Force's deadline to allow for appropriate deliberations.

The Task Force began its work by examining ways to expand the Commission's streamlined enforcement program and warning letter criteria to include technical violations of the Act that result in minimal public harm and, therefore, do not warrant full enforcement. Working with the Commission's staff, the Task Force helped develop regulations to expand the Commission's streamlined enforcement program and clarify the criteria for issuing warning letters. We are pleased that these efforts resulted in the Commission's adoption of Regulations 18360.1 and 18360.2 at its January 17, 2019 meeting. We believe that these regulations will ensure that filers are held accountable, while allowing the Commission to focus its resources on more serious violations of the Act.

Chair Richard C. Miadich
August 5, 2019
Page 2

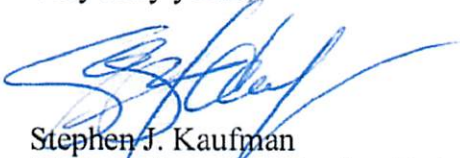
The Task Force next studied issues relating to the Commission's complaint and investigative process, including notification and due process considerations for respondents while a complaint is pending and the information available to the public throughout the investigative process. The Task Force had a lively debate about these competing considerations and presented its findings to the Commission at its March 21, 2019 meeting.

Finally, members of the Task Force firmly believe that the Commission should engage in an annual or periodic review of its own enforcement priorities to ensure that it is taking appropriate action through the enforcement process. Such regular reviews will provide the Commission with an opportunity to determine whether enforcement actions that may have been taken in response to a new statutory requirement may be too extreme or excessive in retrospect. In other instances, the Commission may conclude that it is not pursuing enough enforcement on an issue that has risen in public importance. Setting enforcement priorities in this manner will give direction to the staff on how the Commission would like cases enforced prior to them coming before the Commission, and will also provide the regulated community with notice that the Commission intends to pursue enforcement in areas that it may not have pursued previously. This is a preferable alternative to the Commission making important policy decisions through the enforcement process.

We believe that any remaining areas of interest to members of the Task Force should be addressed by the Commission through regular and ongoing communications between the Commission's staff and parties who have a direct interest in the subject matter. Thus, we believe it is an appropriate time for the Task Force to conclude its business.

We appreciate the opportunity to serve the Commission and the People of California on these significant issues of public importance. We look forward to working with the Commission as we enter this next election cycle.

Very truly yours,



Stephen J. Kaufman
Chair, Enforcement Review Task Force



Norman Copping
Vice Chair, Enforcement Review Task Force

cc: T.J. Jones, Executive Director
Galena West, Director of Enforcement
Dave Bainbridge, General Counsel
Ryan P. O'Connor, Counsel, Legal Division