



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

EXECUTIVE STAFF REPORTS

May 16, 2019 Commission Hearing

Contents

<u>ENFORCEMENT DIVISION</u>	2
<u>LEGAL DIVISION</u>	11
<u>EXECUTIVE DIVISION</u>	19

I. ENFORCEMENT DIVISION

STAFF: GALENA WEST, CHIEF OF ENFORCEMENT

I. Overview

During the period of March 1, 2019 through April 30, 2019 the Enforcement Division received 137 complaints, opened 57 for investigation, and rejected 58. The Enforcement Division received 204 late filer referrals during this time. During this time, the Enforcement Division closed a total of 117 cases including:

- 38 warning letters - campaign violations (15), lobbying violations (1) and statement of economic interests violations (22);
- 1 advisory letters for an advertisement violation;
- 40 no action closure letters alleging - campaign violations (16), statement of economic interests violations (14), advertisement violations (6), conflict of interests violations (2), gift over-the-limit (1), and revolving door violations (1);
- 25 approved stipulations at the March Commission meeting; and
- 13 committees were administratively terminated.

The Division had 1481 cases in various stages of resolution at the time of the March Monthly Report and currently has approximately 1571 cases in various stages of resolution, including the 38 cases before the Commission as listed in the May 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, 6 remain pending. On October 22, 2015, the Division received the \$50 Annual Fee referrals for 2014, which totaled 1,786. Of those, 12 remain pending. We are receiving 2015, 2016, 2017, and 2018 referrals periodically through the 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-payers 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.

Campaign Late Filer

[In the Matter of Federal Realty Investment Trust; FPPC No. 17/1456.](#) Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. The respondent was represented by Pillsbury Winthrop Shaw Pittman LLP. Federal Realty Investment Trust is a state major donor committee. The Committee failed to timely file one semiannual campaign statement for the reporting period of January 1, 2016 through December 31, 2016, in violation of Government Code Section 84200 (1 count); and failed to timely file three 24-Hour Reports, in violation of Government Code Section 84203 (3 counts).

Total Proposed Penalty: \$3,230.

[In the Matter of Cerritos College Faculty Federation Committee on Political Education and Terri Alenikov; FPPC No. 17/027.](#) Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. The respondents were represented by Olson Hagel & Fishburn LLP. Cerritos College Faculty Federation Committee on Political Education was a local general purpose committee. Terri Alenikov was the Committee's treasurer. The Committee and Alenikov failed to timely amend their Statement of Organization, in violation of Government Code Section 84103 (1 count); failed to timely file two pre-election campaign statements for the reporting periods of July 1, 2016 through September 24, 2016 and September 25, 2016 through October 22, 2016, in violation of Government Code Section 84200.5 (2 counts); failed to timely file three 24-Hour Reports, in violation of Government Code Sections 84203 and 84204 (3 counts); failed to accurately report activity on two semiannual campaign statements for the reporting periods of July 1, 2015 through December 31, 2015 and January 1, 2016 through June 30, 2016, in violation of Government Code Section 84211 (2 counts); and failed to timely file a 10-Day Report, in violation of Government Code Section 84213 (1 count). **Total Proposed Penalty: \$2,274.**

[In the Matter of Craig Steckler for Assembly 2014, Craig Steckler, and Linda Perry; FPPC No. 16/15633.](#) Staff: Senior Commission Counsel Neal Bucknell, Commission Counsel Jenna Rinehart and Special Investigator Ann Flaherty. Craig Steckler was an unsuccessful candidate for Assembly District 25 in the June 3, 2014 Primary Election. Craig Steckler for Assembly 2014 was his candidate-controlled committee. Linda Perry was the Committee's treasurer. The Committee, Steckler, and Perry failed to timely file eight semiannual campaign statements for the reporting periods during January 1, 2015 through December 31, 2018, in violation of Government Code Section 84200 (8 counts). **Total Proposed Penalty: \$1,706.**

[In the Matter of the Committee for SB 277 Referendum and Tim Donnelly; FPPC No. 15/1542.](#) Staff: Senior Commission Counsel Bridgette Castillo and Special Investigator Jay Martin. The Committee for SB 277 Referendum was a state primarily formed committee in support of Senate Bill 277, that was signed into law on June 30, 2015. Tim Donnelly was the Committee's treasurer. The Committee and Donnelly failed to timely and properly disclose contributor information on a semiannual campaign statement for the reporting period of July 1, 2015 through September 30, 2015, in violation of Government Code Section 84211, subdivision (f) (1 count); and failed to timely file four 10-Day Reports, in violation of Government Code Section 85309, subdivision (c) (4 counts). **Total Proposed Penalty: \$1,449.**

[In the Matter of Munoz for Division 1 Water District 2016 and Kenneth P. Munoz; FPPC No. 16/19839.](#) Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. Kenneth P. Munoz was an unsuccessful candidate for Yucaipa Valley Water District Director in the November 8, 2016 General Election. Munoz for Division 1 Water District 2016 was his candidate-controlled committee. The Committee and Munoz failed to timely file five 24-Hour Reports, in violation of Government Code Section 84203 (5 counts). **Total Proposed Penalty: \$1,110.**

[In the Matter of Phil Loos for Simi Valley City Council 2018, Phil Loos, and Theresa Loos; FPPC No. 18/824.](#) Staff: Chief of Enforcement Galena West and Staff Services Analyst Shaina Elkin. Phil Loos was an unsuccessful candidate for Simi Valley City Council in the November 6, 2018 General Election. Phil Loos for Simi Valley City Council 2018 is his candidate-controlled committee. Theresa Loos is the Committee's treasurer. The Committee, Loos and Loos failed to timely file a pre-election campaign statement for the reporting period of January 1, 2018 through September 22, 2018, in violation of Government Code Section 84200.5 (1 count); and failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (2 counts). **Total Proposed Penalty: \$791.**

[In the Matter of Mexican American Ladies Society \("MALAS"\) PAC; FPPC No. 19/422.](#) Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. MALAS PAC is a state general purpose committee. The Committee 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 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); and failed to timely file a 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$791.**

[In the Matter of Friends and Neighbors to Elect Robert Varich, Trustee, Campbell Union High School 2018, Robert Varich, and Cyndi Varich; FPPC No. 18/926.](#) Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. Robert Varich was a successful candidate for Campbell Union High School District Board in the November 6, 2018 General Election. Friends and Neighbors to Elect Robert Varich, Trustee, Campbell Union High School 2018 is his candidate-controlled committee. Cyndi Varich is the Committee's treasurer. The Committee, Varich, and Varich failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (2 counts), and failed to timely report activity on a pre-election campaign statement for the reporting period of January 1, 2018 through September 22, 2018, in violation of Government Code Section 84211 (1 count). **Total Proposed Penalty: \$699.**

[In the Matter of Hugo Jimenez for Berryessa School Board 2018, Hugo Jimenez, and Ezequiel Mendoza; FPPC No. 18/931.](#) Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. Hugo Jimenez was a successful candidate for Berryessa Union School Board in the November 6, 2018 General Election. Hugo Jimenez for Berryessa School Board 2018 is his candidate-controlled committee. Ezequiel Mendoza is the Committee's treasurer. The Committee, Jimenez, and Mendoza failed to timely file a pre-election campaign statement for the reporting period of September 23, 2018 through October 20, 2018, in violation of Government Code Section 84200.5 (1 count); and failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (2 counts). **Total Proposed Penalty: \$685.**

[In the Matter of Richard C. Engel for PH Board Campaign Committee 2018, Richard C. Engel, and Gary Felien; FPPC No. 18/1068.](#) Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. Richard C. Engel was a successful candidate for Palomar Health Board in the November 6, 2018 General Election. Richard C. Engel for PH Board Campaign Committee 2018 is his candidate-controlled committee. Gary Felien is the Committee's treasurer. The Committee, Engel, and Felien failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (2 counts); and failed to timely report activity on a pre-election campaign statement for the reporting period of January 1, 2018 through September 22, 2018, in violation of Government Code Section 84211 (1 count). **Total Proposed Penalty: \$668.**

[In the Matter of Maria Fuentes for Trustee 2018 and Maria Fuentes; FPPC No. 18/939.](#) Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. Maria Fuentes was a successful candidate for San Jose-Evergreen Community College Board in the November 6, 2018 General Election. Maria Fuentes for Trustee 2018 is her candidate-controlled committee. The Committee and Fuentes failed to timely file three 24-Hour Reports, in violation of Government Code Section 84203 (3 counts). **Total Proposed Penalty: \$640.**

[In the Matter of Wermers for School Board 2018, Michael P. Wermers, and Cindy Wermers; FPPC No. 18/949.](#) Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. Michael P. Wermers was an unsuccessful candidate for Torrance Unified School Board in the November 6, 2018 General Election. Wermers for School Board 2018 is his candidate-controlled committee. Cindy Wermers is the Committee's treasurer. The Committee, Wermers, and Wermers 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); and failed to timely file a 24-Hour Report, in violation of Government Code Section 84203 (1 count).

Total Proposed Penalty: \$517.

[In the Matter of Marco Amaral for South Bay Union School District Board of Trustees 2018, Marco Amaral, and Gretel Rodriguez; FPPC No. 18/894.](#) Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. Marco Amaral was a successful candidate for South Bay Union School District Board of Trustees in the November 6, 2018 General Election. Marco Amaral for South Bay Union School District Board of Trustees 2018 is his candidate-controlled committee. Gretel Rodriguez is the Committee's treasurer. The Committee, Amaral, and Rodriguez 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); and failed to timely file a 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$451.**

[In the Matter of Janet Lawson for Redwood City School Board 2015, Janet Lawson, and Tim Lawson; FPPC No. 19/051.](#) Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Janet Lawson was a successful candidate for Redwood City School Board in the November 3, 2015 General Election. Janet Lawson for Redwood City School Board 2015 was her candidate-controlled committee. Tim Lawson was the Committee's treasurer. The Committee, Lawson, and Lawson failed to timely file two semiannual campaign statements for the reporting periods of January 1, 2016 through June 30, 2016 and July 1, 2016 through December 31, 2016, in violation of Government Code Section 84200 (2 counts).

Total Proposed Penalty: \$400.

[In the Matter of Re-Elect Mayor Rich Tran, Richard Tran, and Justin Lardinois; FPPC No. 19/346.](#) Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Richard Tran was a successful candidate for Mayor of Milpitas in the November 6, 2018 General Election. Re-Elect Mayor Rich Tran is his candidate-controlled committee. Justin Lardinois is the Committee's treasurer. The Committee, Tran, and Lardinois 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). **Total Proposed Penalty: \$342.**

[In the Matter of 201 Wilshire, Inc.; FPPC No. 17/1457.](#) Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. 201 Wilshire, Inc. is a local major donor committee in the City of Santa Monica. The Committee failed to timely file a 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$300.**

[In the Matter of Juan Alanis for Sheriff 2018, Juan Alanis, and Camilla Carrillo; FPPC No. 19/405.](#) Staff: Chief of Enforcement Galena West and Political Reform Consultant Ginny Lambing. Juan Alanis was an unsuccessful candidate for Stanislaus County Sheriff in the June 5, 2018 Primary Election. Juan Alanis for Sheriff 2018 is his candidate-controlled committee. Camilla Carrillo is the Committee's treasurer. The Committee, Alanis and Carrillo failed to timely file a semiannual campaign statement for the reporting period of July 1, 2018 through December 31, 2018, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$271.**

[In the Matter of Whitaker for Oakland City Council 2018, Mya Whitaker, and Victoria Gurrola; FPPC No. 18/851.](#) Staff: Chief of Enforcement Galena West and Staff Services Analyst Shaina Elkin. Mya Whitaker was an unsuccessful candidate for Oakland City Council in the November 6, 2018 General Election. Whitaker for Oakland City Council 2018 is her candidate-controlled committee. Victoria Gurrola is the Committee's treasurer. The Committee, Whitaker and Gurrola 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: \$263.**

[In the Matter of Committee to Elect Jennifer Harris for Fullerton School Board 2018 and Jennifer Harris; FPPC No. 19/273.](#) Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Jennifer Harris was an unsuccessful candidate for Fullerton School Board in the November 6, 2018 General Election. Committee to Elect Jennifer Harris for Fullerton School Board 2018 is her candidate-controlled committee. The Committee and Harris failed to timely file a pre-election campaign statement for the reporting period of September 23, 2018 through October 20, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$247.**

[In the Matter of Kern County Citizens Against Pot Shops and Keith Lawless; FPPC No. 18/1218.](#) Staff: Chief of Enforcement Galena West and Staff Services Analyst Shaina Elkin. Kern County Citizens Against Pot Shops is a local primarily formed committee that opposed Measure O in the November 6, 2018 General Election. Keith Lawless is the Committee's treasurer. The Committee and Lawless failed to timely file a pre-election campaign statement for the reporting period of September 23, 2018 through October 20, 2018, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$200.**

Campaign Late Reporter

[In the Matter of Cooper for Council 2018, Barry Cooper, and Gary Crummitt; FPPC No. 19/325.](#) Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Barry Cooper was a successful candidate for Tustin City Council in the November 6, 2018 General Election. Cooper for Council 2018 is his candidate-controlled committee. Gary Crummitt is the Committee's treasurer. The Committee, Cooper, and Crummitt failed to timely report expenditure information on a pre-election campaign statement for the reporting period of September 23, 2018 through October 20, 2018, in violation of Government Code Section 84211 (1 count). **Total Proposed Penalty: \$230.**

[In the Matter of Karen Martinez for SJCC/EVC Board of Trustees 2018, Karen Martinez, and Huascar Castro; FPPC No. 18/933.](#) Staff: Chief of Enforcement Galena West and Associate Governmental Program Analyst Dominika Wojenska. Karen Martinez was a successful candidate for San Jose-Evergreen Community College Board of Trustees in the November 6, 2018 General Election. Karen Martinez for SJCC/EVC Board of Trustees 2018 is her candidate-controlled committee. Huascar Castro is the Committee's treasurer. The Committee, Martinez, and Castro failed to timely report contribution and expenditure information on a pre-election campaign statement for the reporting period of September 23, 2018 through October 20, 2018, in violation of Government Code Section 84211 (1 count). **Total Proposed Penalty: \$210.**

[In the Matter of Re-Elect Herb Perez for City Council 2015, Herb Perez, and Reina Perez; FPPC No. 17/16.](#) Staff: Commission Counsel Ruth Yang and Special Investigator Lance Hachigian. Herb Perez was a successful candidate for Foster City Council in the November 3, 2015 General Election. Re-Elect Herb Perez for City Council 2015 was his candidate-controlled committee. Reina Perez was the Committee's treasurer. The Committee, Perez, and Perez failed to timely report an expenditure on a semiannual campaign statement for the reporting period of October 18, 2015 through December 31, 2015, in violation of Government Code Section 84211 (1 count). **Total Proposed Penalty: \$128.**

Statement of Economic Interests Late Filer

[In the Matter of Roman Reed; FPPC No. 17/1100.](#) Staff: Commission Counsel Michael W. Hamilton. Roman Reed, a Planning Commissioner for the City of Fremont, failed to timely file a 2016 and 2017 Statement of Economic Interests, in violation of Government Code Section 87203 (2 counts). **Total Proposed Penalty: \$1,200.**

[In the Matter of Derek Pool; FPPC No. 17/1033.](#) Staff: Commission Counsel Megan A. Van Arsdale. Derek Pool, a Senior Transportation Engineer of District 4 in Oakland with the California Department of Transportation, failed to timely file a 2016 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**

[In the Matter of Hilda Rodriguez; FPPC No. 19/311.](#) Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. Hilda Rodriguez, a Planning Commissioner for the City of Industry, 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 Muniyapla Rajappa; FPPC No. 18/674.](#) Staff: Commission Counsel Jenna Rinehart. Muniyapla Rajappa, a Staff Psychologist with California Correctional Health Care Services, 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 Anissa Davis; FPPC No. 17/502.](#) Staff: Commission Counsel Jenna Rinehart. Anissa Davis, a City Health Officer with the California Health and Human Services Agency, 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 Sandra Bolin; FPPC No. 18/669.](#) Staff: Commission Counsel Jenna Rinehart. Sandra Bolin, a Staff Services Manager I with California Correctional Health Care Services, 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 Linda Robinette; FPPC No. 19/287.](#) Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Linda Robinette, a Planning Commissioner for the City of Susanville, 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 Lewis Yee; FPPC No. 19/232.](#) Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Lewis Yee, a Senior Transportation Engineer of District 7 in Los Angeles with the California Department of Transportation, 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 Leah Faurbo; FPPC No. 18/670.](#) Staff: Commission Counsel Jenna Rinehart. Leah Faurbo, a Clinical Psychologist with California Correctional Health Care Services, 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 Cathy Wilson; FPPC No. 18/492.](#) Staff: Chief of Enforcement Galena West and Staff Services Analyst Cheng Saetern. Cathy Wilson, a Board Member for Mother Lode Union 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.**

Statement of Economic Interests Late Reporter

[In the Matter of Kelly Long; FPPC No. 16/19826.](#) Staff: Commission Counsel Megan Van Arsdale. Kelly Long, a Supervisor on the Board of Supervisors for the County of Ventura, failed to timely disclose her business position, spousal income, and investment interests in stocks on her 2016 Candidate Statement of Economic Interests, in violation of Government Code Sections 87207 and 87209 (3 counts). **Total Proposed Penalty: \$600.**

[In the Matter of D'Lynda Fischer; FPPC No. 19/310.](#) Staff: Chief of Enforcement Galena West and Intake Manager Tara Stock. D'Lynda Fischer, a City Council Member for the City of Petaluma, failed to timely disclose two sources of income on her 2018 Candidate Statement of Economic Interests, in violation of Government Code Section 87207 (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 on June 28, 2019. Pursuant to the parties' stipulation, plaintiffs must file an amended petition/complaint on or before May 28, 2019.

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.

Frank J. Burgess v. Fair Political Practices Commission
Riverside County Superior Court, Case No. RIC 1510656

After prevailing on the Commission's appeal of plaintiff's motion for attorney's fees at trial, plaintiff Frank J. Burgess filed a motion for attorney's fees and costs on appeal. After briefing by the parties, the court issued a tentative ruling reducing the claimed fees and costs on appeal by approximately \$5,000. The parties did not request a hearing and the tentative became the court's order. Rather than pursue its Motion to Tax Costs, the Commission stipulated with plaintiff to the amount of \$56,995.36 awarded by the court on plaintiff's motion.

Active litigation of the case is concluded, but the Commission is now in the process of procuring payment of the judgment for plaintiff. This process can take multiple months.

B. Outreach and Training

- Ivy Branaman conducted a conflict of interest code outreach for California High Speed Rail Authority on April 30.
- Workshops: Education Program Staff delivered 6 workshops to candidates and filing officers in Bishop, Fresno, Sacramento, and San Mateo.
- Video Tutorials: Commission video tutorials were accessed a total of 993 times in March, and 436 times in April, for a total of 1429 views. The table below shows details for each month.

Tutorial	March	April	GRAND TOTAL
Form 700	769	300	
Filing Officers	170	93	
Candidate/Treasurer	54	30	
Total	993	436	1429

- Filing Schedules: Education Program Staff created 9 filing schedules for local elections in Santa Monica, San Luis Obispo, Fresno, Compton, San Bernardino, Alameda County (2 schedules), Riverside County, and Waterlands Water District.

C. Advice

In March and April, 2019, the Legal Division responded to the following requests for advice:

- **Education Program:** The Education Program responded to 981 requests for technical assistance via phone in March and 658 requests in April, bringing the total to 1639.
- **Requests for Advice:** Legal Division Political Reform Consultants and attorneys collectively responded to more than 925 e-mail and telephone requests for advice in March, 17 of which were not responded to within 24 hours, and 627 requests in April, 7 of which were not responded to within 24 hours.
- **Advice Letters:** In March and April, the Legal Division received 59 new advice letter requests under the Political Reform Act and completed 38 letters.
- **Section 1090 Letters:** In March and April, the Legal Division received 15 advice letter requests concerning Section 1090 and completed 10 letters. This year to date, we have received 29 advice requests regarding Section 1090.

D. Miscellaneous Decisions

None to report.

E. Potential Upcoming Regulations

June 13th, 2019

- Clean-Up Regulations. (Adoption.)
- Regulation 18329: Advice Letter Process. (Adoption.)

July 18th, 2019

- Regulation 18422: Multipurpose Organization Record Keeping. (Prenotice Discussion.)
- Regulation 18702.1: Conflict of Interest Analysis, Business Entity Materiality Threshold. (Adoption.)
- Regulation 18702.3: Conflict of Interest Analysis, Source of Income Materiality Threshold. (Adoption.)

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.)

F. Conflict of Interest Codes

Adoptions and Amendments

State Agency Conflict of Interest Codes

- California State University Risk Management Authority
- Department of Child Support Services
- Department of Real Estate
- Employment Development Department
- New Motor Vehicle Board

Multi-County Agency Conflict of Interest Codes

- Anderson-Cottonwood Irrigation District
- Bay Cities Joint Powers Insurance Authority
- Cuyama Basin Water District
- Delta Conveyance Authority
- Eastern Sierra Transit Agency
- El Dorado Irrigation District
- Kaweah Delta Water Conservation District
- Kern Water Authority
- Kings River Watershed Coalition Authority
- Los Gatos-Saratoga Union High School District
- Modesto Irrigation District
- Napa/Solano Area Agency on Aging Oversight Board
- North Coast Schools Insurance Group
- Panoche Drainage District
- Panoche Water District
- Partnership HealthPlan of California
- Salton Sea Authority
- San Bernardino Community College District
- Santa Rosa Regional Resources Authority
- Serra Cooperative Library System
- Shasta-Tehama-Trinity Community College District
- SIA Tech
- Sutter-Yuba Behavioral Health
- Tahoe Forest Hospital District

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 Lloyd A. Johnson For West Covina City Council 2015, Lloyd Johnson, And John Shewmaker, FPPC No. 2015-02076.*** On April 10, 2019, after hearing, probable cause was found to believe Respondents committed the following violations of the Act:

Count 1: The Committee and Johnson failed to report a mass mailing, either as a non-monetary contribution made to the Committee from Shewmaker or a direct expenditure made by the Committee, on or around October 14, 2015, in violation of Section 84211.

Count 2: The Committee and Johnson failed to report a mass mailing, either as a non-monetary contribution made to the Committee from Shewmaker or a direct expenditure made by the Committee, on or around October 26, 2015, in violation of Section 84211.

Count 3: The Committee, Johnson, and Shewmaker failed to include a true and correct sender identification on a mass mailing sent on or around October 14, 2015 in violation of Section 84305, subdivision (a) and Regulation 18435, subdivision (d).

Count 4: The Committee, Johnson, and Shewmaker failed to include a true and correct sender identification on a mass mailing sent on or around October 26, 2015 in violation of Section 84305, subdivision (a) and Regulation 18435, subdivision (d).

Count 5: Shewmaker failed to report an independent expenditure of a mass mailing made on or around October 14, 2015, in violation of Section 84211.

Count 6: Shewmaker failed to report an independent expenditure of a mass mailing made on or around October 26, 2015, in violation of Section 84211.

Count 7: Shewmaker failed to include a true and correct sender identification on a mass mailing sent on or around October 14, 2015 in violation of Section 84305, subdivision (a) and Regulation 18435, subdivision (d).

Count 8: Shewmaker failed to include a true and correct sender identification on a mass mailing sent on or around October 26, 2015 in violation of Section 84305, subdivision (a) and Regulation 18435, subdivision (d).

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

2. ***In the Matter of Condon 4 Fresno City Council District 5 2018 and Paul Condon, FPPC No. 18/362.*** On March 12, 2019, probable cause was found to believe Respondents committed the following violations of the Act:

Count 1: The Committee and Condon failed to timely file the pre-election statement for the reporting period of January 1, 2018 through April 21, 2018, due April 26, 2018, in violation of Government Code Sections 84200.5 and 84200.8.

Count 2: The Committee and Condon failed to timely file the pre-election statement for the reporting period of April 22, 2018 through May 19, 2018, due May 24, 2018, in violation of Government Code Sections 84200.5 and 84200.8.

Count 3: The Committee and Condon failed to timely file the semi-annual campaign statement for the reporting period of May 20, 2018 through June 30, 2018, due July 31, 2018, in violation of Section 84200.

3. ***In the Matter of David Fennell for Lieutenant Governor 2018 and David Fennell, FPPC No. 18/01383.*** On April 10, 2019, probable cause was found to believe Respondents committed the following violations of the Act:

Count 1: The Committee and Fennell failed to timely file the pre-election campaign statement for the reporting period of January 1, 2018 through April 21, 2018, due April 26, 2018, in violation of Government Code Sections 84200.5, 84200.8, and 84605.

Count 2: The Committee and Fennell failed to timely file the pre-election campaign statement for the reporting period of April 22, 2018 through May 19, 2018, due May 24, 2018, in violation of Government Code Sections 84200.5, 84200.8, and 84605.

Count 3: The Committee and Fennell failed to timely file the semi-annual campaign statement for the reporting period of May 20, 2018 through June 30, 2018, due July 31, 2018, in violation of Government Code Sections 84200 and 84605.

Count 4: The Committee and Fennell failed to timely file the semi-annual campaign statement for the reporting period of July 1, 2018 through December 31, 2018, due January 31, 2019, in violation of Government Code Sections 84200 and 84605.

4. ***In the Matter of Corso for City Council 2014, Taxpayers for Oceanside Neighborhoods, and Dana Corso, FPPC No. 15/245.*** On April 10, 2019, probable cause was found to believe Respondents committed the following violations of the Act:

Count 1: Corso for Council and Corso failed to timely report a \$200 contribution from Corso and a \$1,000 in-kind contribution from Oceanside Associates received during the preelection reporting period covering July 1, 2014 – September 30, 2014, due by October 6, 2014, in violation of Government Code Section 84211, subdivisions (a), (c), and (f).

- Count 2: Corso for Council and Corso failed timely file a preelection statement covering the reporting period of October 1, 2014 – October 18, 2014, due by October 23, 2014, in violation of Government Code Sections 84200.5, subdivision (b) and 84200.7, subdivision, (b).
- Count 3: Corso for Council and Corso failed timely file a semi-annual campaign statement covering the reporting period of October 19, 2014 – December 31, 2014, due by February 2, 2015, in violation of Government Code Section 84200.
- Count 4: Corso for Council and Corso failed to timely file a 24-hour report after receiving a \$1,000 in-kind contribution in the form of office space from Oceanside Associates on September 30, 2014, in violation of Government Code Sections 84203 and 84203.3, subdivision (b).
- Count 5: Corso for Council and Corso failed to timely file a 24-hour report after receiving contributions from Bernard Blom that aggregated to \$1,000 on October 1, 2014, in violation of Government Code Section 84203.
- Count 6: Corso for Council and Corso failed to timely file a 24-hour report after receiving a \$1,000 in-kind contribution in the form of office space from Oceanside Associates on October 31, 2014, in violation of Government Code Section 84203 and 84203.3, subdivision (b).
- Count 7: Taxpayers for Oceanside and Corso failed to timely file a semi-annual campaign statement covering the reporting period of July 1, 2013 – December 31, 2013, due by January 31, 2014, in violation of Government Code Section 84200.
- Count 8: Taxpayers for Oceanside and Corso failed to timely file a semi-annual campaign statement covering the reporting period of January 1, 2014 – June 30, 2014, due by July 31, 2014, in violation of Government Code Section 84200.
- Count 9: Taxpayers for Oceanside and Corso failed to timely file a semi-annual campaign statement covering the reporting period of July 1, 2014 – December 31, 2014, in violation of Government Code Section 84200.
- Count 10: Taxpayers for Oceanside and Corso failed to amend its statement of organization to include Corso's last name in the name of the committee on or around August 17, 2014, in violation of Government Code Section 84103 and Regulation 18402, subdivision (c)(1) and (2).
- Count 11: Taxpayers for Oceanside and Corso failed to timely file a preelection statement covering the reporting period of July 1, 2014 – September 30, 2014, due October 6, 2014, in violation of Government Code Sections 84200.5 subdivision (b) and 84200.7, subdivision (b).

Count 12: Taxpayers for Oceanside and Corso failed to timely file a preelection statement covering the reporting period of October 1, 2014 – October 18, 2014, due October 23, 2014, in violation of Government Code Sections 84200.5 subdivision (b) and 84200.7, subdivision (b).

III. EXECUTIVE DIVISION

STAFF: JAY WIERENGA, COMMUNICATIONS DIRECTOR

On Thursday, April 11th, Communications Director Jay Wierenga represented the FPPC and attended the 2019 Future of California Elections conference in Sacramento. Sessions attended included a discussion about what happens in county clerks' offices after the election day with the growing use of mail in ballots, early data from the 2018 Voter's Choice Act, issues regarding the 2020 Census and vote counts, and protecting votes through post-election risk-limiting audits. Besides officials from many local clerks and registrar's offices, attendees included many good government groups (League of Women Voters, Common Cause, California Voter Foundation) and elections officials from other states.