

(Unapproved and Subject to Change)
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
MINUTES OF MEETING, Public Session

June 9, 2011

CALL TO ORDER

Chair Ann Ravel called the meeting to order at 10:00 AM at Los Angeles City Hall, 200 North Spring Street, Room 1010, Los Angeles, CA 90012. Chair Ravel, Commissioners Ronald Rotunda, Lynn Montgomery, and Elizabeth Garrett were present.

1. Public Comment.

This portion of the meeting is reserved for comment on items not on the agenda. Under the Bagley-Keene Act, the Commission cannot act on items raised during public comment, but may respond briefly to statements made or questions posed; request clarification; or refer the item to staff.

Chair Ravel asked if anyone in the audience had comments on any items not on the agenda.

Joyce Dillard spoke about her concern regarding Public Private Partnerships and the current regulatory process. She noted private partnerships with the Los Angeles Unified School District, as well as the Los Angeles Port System.

Ida Talalla gave public comment regarding the Los Angeles Neighborhood Councils. She was most concerned with the lack of a grievance process for homeowners and the need for board members to disclose their economic interests.

Edwin Jacinto asked that Item 3 be removed from the consent calendar.

PROPOSED CONSENT CALENDAR – ITEMS 2 Through 18

2. Approval of April 11, 2011 Commission meeting minutes.

Commissioner Rotunda moved to approve the April 11, 2011 Commission meeting minutes.

The motion was seconded by Commissioner Garrett.

Ayes: Commissioners Rotunda, Garrett, Montgomery, and Chair Ravel.
The motion passed 4 to 0.

Chair Ravel asked the Commissioners if they had any comments or questions on any of the items, and if there were any items they wanted removed from the consent calendar.

Commissioner Montgomery moved to approve the consent calendar, with the removal of item 3.

The motion was seconded by Commissioner Rotunda.

Ayes: Commissioners Rotunda, Garrett, Montgomery, and Chair Ravel.
The motion passed 4 to 0.

Campaign Reporting Violation

- 4. In the Matter of Jeff Stone, Jeff Stone for State Senate 2010, and Joseph Kuebler; FPPC No. 10/552. Total Proposed Penalty: \$16,000.**

Campaign Reporting Violation – Streamline

- 5. In the Matter of San Diego County Otay Water District Board Member Larry Breitfelder; FPPC No. 11/104. Total Proposed Penalty: \$200.**
- 6. In the Matter of Brown for Council 2010 Committee, David Brown, and Wayne Ivey, Treasurer; FPPC No. 11/207. Total Proposed Penalty: \$200.**
- 7. In the Matter of Sergio Calderon; Friends of Calderon for Director, and Billie Hernandez, Treasurer; FPPC No. 11/053. Total Proposed Penalty: \$400.**
- 8. In the Matter of Georges Marciano, Georges Marciano for Governor 2010, and Georges Marciano, Treasurer; FPPC No. 10/353. Total Proposed Penalty: \$1,200.**
- 9. In the Matter of Committee to Elect Joseph Messina, Joseph Messina, Board Member, and R.J. Kelly, Treasurer; FPPC No. 09/233. Total Proposed Penalty: \$400.**
- 10. In the Matter of Ronald C. Smith, Friends of Ron Smith, and Ronald C. Smith, Treasurer; FPPC No. 10/1050. Total Proposed Penalty: \$200.**

Conflict of Interest

- 11. In the Matter of Louie Martinez; FPPC No. 09/261. Total Proposed Penalty: \$8,000.**

Statement of Economic Interests – Failure to File – Streamline

- 12. In the Matter of Marilyn Anderson; FPPC No. 10/824. Total Proposed Penalty: \$800.**

13. **In the Matter of Peter Arellano; FPPC No. 11/016. Total Proposed Penalty: \$400.**
14. **In the Matter of Rod Dowse; FPPC Case No. 10/986. Total Proposed Penalty: \$200.**
15. **In the Matter of Jon Messick; FPPC No. 09/580. Staff: Total Proposed Penalty: \$200.**
16. **In the Matter of Erin O'Brien; FPPC No. 11/017. Total Proposed Penalty: \$200.**
17. **In the Matter of Gale Simmons; FPPC No. 11/010. Total Proposed Penalty: \$200.**
18. **In the Matter of Julie Tumamait-Stenslie; FPPC No. 10/1104. Total Proposed Penalty: \$200.**

ITEMS REMOVED FROM THE CONSENT CALENDAR

Campaign Reporting Violation

3. **In the Matter of Edwin Jacinto; FPPC No. 10/225 (Default Decision). Total Proposed Penalty: \$12,000.**

Gary Winuk, Chief of Enforcement explained that this was a non-filing case. Mr. Jacinto failed to file after more than 13 separate contacts from FPPC staff. Winuk noted that this penalty is consistent with similar Commission action.

Mr. Jacinto explained that he did not win his election, so he didn't think he had to file. He stated that FPPC staff wanted to settle for \$3,000, however, he did not have the funds to pay the settlement. Mr. Jacinto asked that the fine be reduced.

Mr. Winuk stated that the initial offer was less than \$3,000 and Mr. Jacinto was given options to which he was non-responsive to for over a year.

Commissioner Montgomery moved to reduce the fine to \$5,000.

Commissioner Garrett made a subsequent motion to reduce counts 1 and 2 to \$3,000 each.

The motion was seconded by Commissioner Rotunda.

Ayes: Commissioners Rotunda, Garrett, Montgomery, and Chair Ravel.
The motion passed 4 to 0.

GENERAL – Items 19 Through 24

Re-Hearing

- 19. In the Matter of Frank Molina and Strategic Solutions Advisors; FPPC No. 09/807.** Staff: Chief of Enforcement Gary Winuk and Program Specialist Bob Perna. Respondent Frank Molina, a registered California lobbyist and Respondent Strategic Solutions Advisors, a California lobbying firm, failed to timely file quarterly lobbyist and lobbying firm reports from January 1, 2007, through December 31, 2009, in violation of Government Code Sections 86113 and 86114 (12 counts). **Total Proposed Penalty: \$30,000.**

Chair Ravel recommended holding this item over for the next meeting. Commissioner Garrett and Rotunda requested more background. The Commission agreed to hear this item at the next meeting.

- 20. Amendments to Regulation 18360 – Commission Decisions to Investigate.**

Commission Staff: Interim General Counsel John Wallace and Commission Counsel Sukhi Brar. Staff proposes amendments to Regulation 18360 to require that, except in specified circumstances, no member of the Commission communicate a decision either to investigate, or to take other specified action on, an alleged violation of the Political Reform Act until at least five days have passed from the date the subject of the investigation or alleged violator has been sent notice of the Commission's action. The amendments also seek to clarify that notice of these actions must be contemporaneously sent to any complainant and the subject of the investigation or other action. These amendments are being proposed and to provide due process in the interest of fundamental fairness to subjects of Enforcement complaints and investigations.

Commissioner Garrett moved to accept Staff recommended amendments. The motion was seconded by Commissioner Rotunda.

Ayes: Commissioners Rotunda, Garrett, Montgomery, and Chair Ravel.
The motion passed 4 to 0.

Regulatory Amendments

- 21. Regulatory Planning for the Year 2011-2012.**

Staff: Assistant General Counsel John W. Wallace. Staff is presenting a process for planning and calendaring regulation projects. The goal will be to create a system that provides advance notice to the public, staff, and the commissioners of upcoming regulatory amendments and adoptions. The early circulation of regulatory ideas and concepts should result in a more predictable system for promulgating and adopting or amending regulations and a better final product

overall. Specific regulation projects and a tentative calendar will be presented to the Commission at a future meeting.

Informational only, no vote.

Staff Reports

22. Legislative Report. Legislative Coordinator Tara Stock.

The Commission asked that Staff provide detail on how they arrived at estimated fiscal impact. Roman Porter, Executive Director explained that cost is estimated by calculating staff requirements for mandated unfunded time.

Commissioner Garrett moved to approve all of Staff recommended positions except on AB 65 (Gatto).

The motion was seconded by Commissioner Rotunda.

Ayes: Commissioners Rotunda, Garrett, and Chair Ravel.

Nos: Commissioner Montgomery

The motion passed 3 to 1.

23. Litigation Report. John Wallace. – As Submitted.

24. Executive Director’s Report. Executive Director Roman Porter. – As Submitted.

Commissioner Rotunda moved to adjourn the meeting at 12:25 PM.

The Motion was seconded by Commissioner Montgomery.

Ayes: Commissioners Rotunda, Garrett, Montgomery, and Chair Ravel.

The motion passed 4 to 0.

Dated: 6-14-11

Adrienne Tackley, Commission Assistant

Approved: _____
Ann Ravel, Chair
Fair Political Practices Commission