



(Unapproved and subject to change)

CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION

MINUTES OF MEETING, Public Session

Thursday, November 20, 2014

CALL TO ORDER

Chair Remke called the meeting to order at 10:01 am on November 20, 2014 at the Fair Political Practices Commission, 428 J Street, Sacramento, CA 95814. Chair Remke and Commissioners Casher and Wynne were present. Commissioners Eskovitz and Wasserman were present by teleconference.

WELCOME

Chair Remke thanked the staff for their hard work during the 2014 election season.

1. Public Comment

Chair Remke opened the floor for public comment. There was none.

2. Approval of October 2014 Commission Meeting Minutes.

Commissioner Wasserman requested the last sentence in the second paragraph on page 21 removed.

Chair Remke made a motion to approve item 2, Commissioner Wynne seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke

The motion passed 5 to 0.

PROPOSED CONSENT CALENDAR ITEMS 3 - 48

Chair Remke opened the floor to the Commission to remove or discuss any items from the Proposed Consent Calendar.

Commissioner Eskovitz stated he would not vote on items 5, 9, and 30.

Questions and comments on items 10, 3, and 9.

Commissioner Wynne made a motion to approve items 3-4, 6-8, 10-29, and 31-48, Commissioner Casher seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke.

The motion passed 5 to 0.

ENFORCEMENT MATTERS

Over-the-Limit Contributions

3. In the Matter of the Sacramento Central Labor Council-C.O.P.E. and Bill Camp; FPPC No. 13/934. Staff: Senior Commission Counsel Bridgette Castillo and Program

Specialist Bob Perna. This case resulted from an audit by the Franchise Tax Board. Respondent Sacramento Central Labor Council-C.O.P.E. ("Respondent Committee") stated it was a small contributor committee. Respondent Committee no longer qualified as a small contributor committee after impermissibly receiving and accepting contributions over \$200. At all relevant times, Respondent Bill Camp ("Respondent Camp") was the treasurer. In this matter, Respondents Committee and Camp, impermissibly accepted three monetary contributions from two sources in excess of the \$6,500 contribution limit to a general purpose committee for the purpose of supporting or defeating candidates for elective state office in 2010, in violation of Government Code Section 85303 (2 counts). Additionally, Respondents impermissibly made five monetary contributions to three separate state candidates in excess of the relevant contribution limit per 2010 election, in violation of Government Code Section 85301 (3 counts). **Total Proposed Penalty: \$15,500.**

Commissioner Casher questioned whether contributions over the limit are disgorged or returned.

Chief of Enforcement Gary Winuk replied that disgorgement is not set in statute, and that the policy of the FPCC would be to return the excess funds to the contributor.

4. In the Matter of David Hadley, David Hadley for Assembly 2014, and Kelly Lawler; FPCC No. 14/1201. Staff: Commission Counsel Adam Silver and Political Reform Consultant Jeanette Turvill. Respondent, David Hadley, was a successful candidate for State Assembly in the 2014 General Election. Respondent, David Hadley for Assembly 2014, was his candidate-controlled committee and Respondent, Kelly Lawler, was the committee treasurer. In this matter, Respondents accepted a campaign contribution from the primarily formed committee, Republican Party of LA County – 66th AD, that exceeded the applicable campaign contribution limit for candidates for State Assembly, in violation of Government Code Section 85301, subdivision (a) and California Code of Regulations, title 2, section 18545, subdivision (a)(1) (1 count). **Total Proposed Penalty: \$2,500.**

Lobbyist Placing Legislator Under Personal Obligation

5. In the Matter of Richard Ross; FPCC No. 14/353. Staff: Senior Commission Counsel Dave Bainbridge, Special Investigator Simon Russell, and Legal Analyst Tracey Frazier. Respondent, Richard Ross, operates a political consulting business and is registered to lobby the State Legislature. Respondent's consulting business contracts with candidates for the State Legislature to provide campaign consulting services for which the candidates agreed to pay if elected to office. Respondent did not attempt to collect the full amounts owed for his services from two successful legislative candidates for the purpose of placing those legislators in positions of personal obligation to him, in violation of Government Code Section 86205, subdivision (a) (2 counts). **Total Proposed Penalty: \$5,000.**

Chair Remke made a motion to approve item 5, Commissioner Wynne seconded the motion.

Ayes: Commissioners Casher, Wasserman, Wynne, Chair Remke

Abstention: Commissioner Eskovitz

The motion passed 4 to 0.

Conflict of Interest

6. In the Matter of James Gattis; FPPC No. 12/398. Staff: Commission Counsel Milad Dalju, Senior Commission Counsel Angela Brereton, and Special Investigator Paul Rasey. In this matter, Respondent, James Gattis, as a Member of the Board of Directors for Salinas Valley Memorial Healthcare System, made a governmental decision in which he had a financial interest, by voting to approve the termination of the lease agreement between Salinas Valley Memorial Healthcare System and Central Coast Audiology, Inc., which was a source of income to him, in violation of Government Code Section 87100 (1 count). **Total Proposed Penalty: \$2,500.**

7. In the Matter of John Dukes; FPPC No. 12/660. Staff: Commission Counsel IV Galena West, Special Investigator George Aradi, and Program Specialist Luz Bonetti. In this matter, Respondent, John Dukes, a Yuba City Councilmember, failed to report two sources of income, which exceeded the reporting threshold of \$500, on his 2011 Statement of Economic Interests, in violation of Government Code Sections 87203 and 87207 (1 count), and made, participated in making, or influenced a governmental decision regarding one of those sources of income, in violation of Government Code Section 87100 (1 count). **Total Proposed Penalty: \$4,000.**

Campaign Voluntary Expenditure Limits

8. In the Matter of Pedro Rios and Pedro Rios for Assembly 2012; FPPC No. 14/019. Staff: Senior Commission Counsel Neal Bucknell and Program Specialist Soni Mangat. This matter initially arose out of a referral by Franchise Tax Board. In 2012, Respondent Pedro Rios was a non-incumbent candidate for the California State Assembly, 32nd District. Respondent, Pedro Rios for Assembly 2012, was his candidate-controlled committee. In this matter, Respondents accepted voluntary expenditure limits, but in connection with the General Election, they exceeded the limit by approximately \$92,917, in violation of Government Code Section 85400, subdivision (a)(1) (1 count). Respondents also failed to timely file semi-annual campaign statements covering the period January 1, 2013, through June 30, 2013, due July 31, 2013, in both paper and electronic formats, in violation of Government Code Sections 84200 and 84605 (1 count). **Total Proposed Penalty: \$4,000.**

Campaign Committee Coordination

9. In the Matter of Common Sense Voters, SF 2010; Vote for Mark Farrell for District 2 Supervisor committee and Chris Lee; FPPC No. 10/973. Staff: Commission Counsel IV Galena West and Special Investigator Lee Myers. In this matter, Respondents, Common Sense Voters, SF 2010; Vote for Mark Farrell for District 2 Supervisor committee ("Respondent Committee") and Chris Lee, failed to file an amended statement of organization within 10 days to disclose that Respondent Committee was controlled by a candidate, in violation of Government Code Sections 84102, subdivisions (e) and (g), and 84103, subdivision (a) (1 count). Respondents also failed to use proper sender identification on mass mailers sent in support of Mark Farrell for District 2 Supervisor and against his opponent, Janet Reilly, which did not display the name of the candidate controlling the committee, in violation of Government Code Section 84305 (4 counts). **Total Proposed Penalty: \$14,500.**

Chair Remke wanted to know why the candidate was not named in the stipulation.

Chief of Enforcement Gary Winuk stated the persons and entities most responsible for the violation are named.

Chair Remke stated that while she understands in this case why the candidate was not named as a respondent, she would encourage looking at the candidates more closely in the future when there are intentional or negligent acts.

Ayes: Commissioners Casher, Wynne, Chair Remke

Nay: Commissioner Wasserman

Abstention: Commissioner Eskovitz

The motion passed 3 to 1.

Campaign Reporting

10. In the Matter of Monique Dollonne, Monique for School Board, and Thomas Rohrbecher; FPPC No. 13/311 (Default Decision). Staff: Legal Analyst Tracey Frazier and Law Clerk Michael Battaglia. Respondent, Monique Dollonne, was an unsuccessful candidate for the Ventura Unified School District Board in the November 3, 2009 election. Respondent, Thomas Rohrbecher, was the treasurer for the candidate-controlled committee, Monique for School Board. In this matter, Respondents failed to timely file semi-annual campaign statements for the periods of January 1, 2011, through December 31, 2013, with the Ventura County Clerk, in violation of Government Code Section 84200, subdivision (a) (6 counts). **Total Proposed Penalty: \$12,000.**

Commissioner Wynne suggested stronger actions against non-filers who are in default. Chief of Enforcement, Gary Winuk stated that the Enforcement Division will look for direction from the Commission to initiation of civil litigation to compel compliance for non-filers who go into default.

11. In the Matter of Arthur “Art” C. Brown, Art Brown for Orange County 4th District Supervisor 2010, Art Brown for City Council 2012, and Christie “Chris” L. Brown; FPPC No. 12/224. Staff: Senior Commission Counsel Angela Brereton and Program Specialist Luz Bonetti. This matter initially arose out of a referral by Franchise Tax Board. Respondent, Arthur “Art” C. Brown (“Respondent Brown”), was an unsuccessful candidate for the Orange County Board of Supervisors in the June 8, 2010 election, and was a successful incumbent candidate for Buena Park City Council, in the November 6, 2012 election. Respondent, Christie “Chris” L. Brown (“Respondent Treasurer”), was the treasurer for Respondent Supervisor Committee and Respondent City Council Committee. In this matter, Respondents failed to disclose information regarding contributions received and expenditures made of \$100 or more in campaign statements for reporting periods during calendar years 2010, 2012 and 2013, in violation of Government Code Section 84211, subdivisions (a), (b), (f), and (k) (2 counts); received two contributions of \$100 or more in cash, in violation of Government Code Section 84300, subdivision (a) (1 count); and failed to maintain the detailed accounts, records,

bills, and receipts that were necessary to prepare campaign statements, to establish that campaign statements were properly filed, and to comply with the campaign reporting provisions of the Act, during calendar years 2010, 2011, 2012, and 2013, in violation of Government Code Section 84104 (1 count). **Total Proposed Penalty: \$8,500.**

12. In the Matter of Xavier Campos, Xavier Campos for City Council 2010, and Linda Delgado; FPPC No. 13/177. Staff: Commission Counsel Zachary W. Norton and Program Specialist Bob Perna. Respondent, Xavier Campos, is a member of the San Jose City Council, elected on November 2, 2010. Respondent, Linda Delgado, is the treasurer for the candidate-controlled committee, Xavier Campos for City Council 2010. Respondents Xavier Campos, Xavier Campos for City Council 2010, and Linda Delgado accepted monetary contributions totaling approximately \$1,950 in the form of eight cashier's checks or money orders for \$100 or more, which were not drawn from the bank accounts of the contributors or donors, in violation of Government Code Section 84300, subdivision (c) (1 count). Respondents also failed to maintain the detailed accounts, records, bills, and receipts that were necessary to prepare campaign statements covering the periods of January 1, 2009, through December 31, 2010, in violation of Government Code Section 84104 (1 count), and failed to timely report contributions received during two consecutive reporting periods beginning January through October of 2010, totaling approximately \$3,665, in violation of Government Code Section 84211, subdivisions (a), (c), and (d) (1 count). **Total Proposed Penalty: \$5,500.**

13. In the Matter of Black Women Organized for Political Action State PAC and Beryl Crumpton Potter, Treasurer; FPPC No. 13/482. Staff: Commission Counsel Adam Silver and Special Investigator Annaraine Diaz. Respondent, Black Women Organized for Political Action State PAC ("Respondent Committee"), is a state general purpose committee. At all times relevant to this matter, Respondent, Beryl Crumpton Potter, served as treasurer for Respondent Committee. In this matter, Respondents failed to timely file semi-annual statements for the periods covering July 1, 2011, through June 30, 2013, in violation of Government Code Section 84200, subdivision (a) (1 count), and failed to timely file a pre-election statement for the period covering March 18, 2012, through May 19, 2012, in violation of Government Code Section 84200.5, subdivision (e) (1 count). The Commission previously prosecuted Respondents for failure to disclose campaign contributions received and expenditures made. **Total Proposed Penalty: \$4,000.**

14. In the Matter of Los Angeles County Young Democrats; FPPC No. 14/030. Staff: Legal Analyst Tracey Frazier and Law Clerk Robert Ashley. Respondent, Los Angeles County Young Democrats, is a state general purpose committee. In this matter, Respondent failed to timely file campaign statements covering the periods of January 1, 2012, through May 17, 2014, in both paper and electronic formats, with the Office of the Secretary of State, in violation of Government Code Section 84200 (7 counts). **Total Proposed Penalty: \$1,400.**

15. In the Matter of California Conservative PAC and John Fugatt, Treasurer; FPPC No. 14/138. Staff: Political Reform Consultant Teri Rindahl. In this matter, Respondents, California Conservative PAC, and John Fugatt, Treasurer, failed to timely file campaign statements covering the periods of January 1, 2013, through June 30, 2103, due July 31, 2013, and July 1, 2012, through December 31, 2012, due January 31, 2014, in both paper and electronic formats, with the Office of the Secretary of State, in violation of Government

Code Section 84200 (4 counts). **Total Proposed Penalty: \$800.**

16. In the Matter of Humboldt County Republicans and Todd Walker, Chairman; FPPC No. 14/272. Staff: Legal Analyst Tracey Frazier and Law Clerk Kellan Patterson. In this matter, Respondents, Humboldt County Republicans, and Todd Walker, Chairman, failed to timely file campaign statements covering the periods of January 1, 2013, through June 30, 2103, due July 31, 2013, and July 1, 2013, through December 31, 2013, due January 31, 2014, in both paper and electronic formats, with the Office of the Secretary of State, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$400.**

Major Donor Reporting

17. In the Matter of California Nutritional Corporation; FPPC No. 14/780. Staff: Political Reform Consultant Jeanette Turvill. In this matter, Respondent, California Nutritional Corporation, failed to timely file a Major Donor Report (Form 461), disclosing three contributions covering the period July 1, 2013, through December 31, 2013, due January 31, 2014, with the Office of the Secretary of State, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$400.**

Mass Mailing

18. In the Matter of the El Dorado Irrigation District; FPPC No. 14/1104. Staff: Senior Commission Counsel Bridgette Castillo. Respondent is the El Dorado Irrigation District, located in El Dorado County, California. In this matter, Respondent produced and sent over 200 January-February 2013 newsletters, "The Waterfront," at public expense, including a photo featuring all of the elected El Dorado Irrigation District Board Members on the front page, in violation of Government Code Section 89001 (1 count). **Total Proposed Penalty: \$1,500.**

Lobbying Reporting

19. In the Matter of California Correctional Peace Officers Association; FPPC No. 13/1268. Staff: Senior Commission Counsel Dave Bainbridge and Special Investigator Beatrice Moore. In this matter, Respondent, California Correctional Peace Officers Association, a lobbyist employer, failed to timely report as activity expenses, items it gave to State legislators on its lobbyist employer reports, in violation of Government Code Section 86116, subdivision (f) (3 counts). Respondent also failed to provide State legislators who received gifts with notification of those gifts, in violation of Government Code Section 86112.5 (1 count). **Total Proposed Penalty: \$5,500.**

20. In the Matter of Judith L. Larson; FPPC No. 13/1387. Staff: Legal Analyst Tracey Frazier and Law Clerk Robert Binning. In this matter, Larson & Associates, a California lobbying firm, and Judith L. Larson, Larson & Associates' owner and responsible officer, failed to timely file a Report of Lobbying Firm (Form 625) covering the period July 1, 2013, through September 30, 2013, due on October 31, 2013, in violation of Government Code Sections 86114 and 86117 (1 count). **Total Proposed Penalty: \$200.**

Sender Identification

21. In the Matter of Southern California Taxpayers Association, sponsored by and with major funding from Milan REI IV, LLC, Barrett Garcia, and Ann Garrett; FPPC No. 12/782. Staff: Senior Commission Counsel Angela Brereton and Special Investigator Simon Russell. Respondent, Southern California Taxpayers Association, sponsored by and with major funding from Milan REI IV, LLC (“Respondent SCTA”), was a primarily formed committee supporting Measure FF in the City of Orange in the November 6, 2012 General Election. At all relevant times, Respondent Barrett Garcia was the treasurer of Respondent SCTA. At all relevant times, Respondent Ann Garrett was the principal officer of Respondent SCTA. In this matter, Respondents used Respondent SCTA funds to pay for and cause to be sent an advertisement in the form of 750 lawn signs supporting Measure FF in the City of Orange in the November 6, 2012 election, which failed to display required committee identification, in violation of Government Code Section 84504, subdivision (c) (1 count). **Total Proposed Penalty: \$2,500.**

22. In the Matter of Yes on Prop. 47, Californians for Safe Neighborhoods and Schools, sponsored by Vote Safe, a project of The Advocacy Fund; FPPC No. 14/1204. Staff: Commission Counsel Milad Dalju, Political Reform Consultant Jeanette Turvill, and Legal Analyst Tracey Frazier. Respondent, Yes on Prop. 47, Californians for Safe Neighborhoods and Schools, sponsored by Vote Safe, a project of The Advocacy Fund (“Respondent Yes on Prop. 47”) is a sponsored ballot measure committee in support of Proposition 47, a successful state measure on the November 4, 2014 ballot. Respondent Yes on Prop. 47 published two videos on YouTube in support of Proposition 47 that did not include a disclosure statement with the committee’s name and the committee’s two top donors of \$50,000 or more, in violation of Government Code Sections 84503 and 84504, subdivision (c) (1 count). **Total Proposed Penalty: \$2,500.**

Statement of Economic Interests – Non-Filer

23. In the Matter of Madeleine Zayas-Mart; FPPC No. 12/935. Staff: Commission Counsel Zachary W. Norton and Political Reform Consultant Jeanette Turvill. In this matter, Respondent, Madeleine Zayas-Mart, as a Member of the Oakland Planning Commission, failed to timely file her 2011 Statement of Economic Interests and a Leaving Office Statement of Economic Interests, in violation of Government Code Sections 87200 and 87204 (1 count). **Total Proposed Penalty: \$1,000.**

24. In the Matter of David Butler; FPPC No. 14/1049. Staff: Political Reform Consultant Jeanette Turvill. In this matter, Respondent, David Butler, as a Member of the Bizz Johnson/Highway 65 Joint Powers Authority, failed to timely file his 2013 Statement of Economic Interests covering the period January 1, 2013, through December 31, 2013, due April 1, 2014, with the County of Placer, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**

25. In the Matter of Wesley Smith; FPPC No. 13/804. Staff: Legal Analyst Tracey Frazier. In this matter, Respondent, Wesley Smith, as a Member of the Infrastructure Review and

Energy Resources Management Committees, failed to timely file his Assuming Office Statement of Economic Interests covering the period August 8, 2011, through August 8, 2012, due September 7, 2012, with the City of Fullerton, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

26. In the Matter of Mark Dunlop; FPPC No. 14/844. Staff: Political Reform Consultant Adrienne Korchmaros. In this matter, Respondent, Mark Dunlop, as a Member of the Treasure Island Development Authority for the City and County of San Francisco, failed to timely file his 2013 Statement of Economic Interests covering the period January 1, 2013, through December 31, 2013, due April 1, 2014, with the San Francisco Ethics Commission, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

27. In the Matter of Camille Schraeder; FPPC No. 14/836. Staff: Political Reform Consultant Teri Rindahl. In this matter, Respondent, Camille Schraeder, as a Board Member of the Mendocino County Office of Education, failed to timely file her 2013 Statement of Economic Interests covering the period January 1, 2013, through December 31, 2013, due April 1, 2014, with the County of Mendocino, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

28. In the Matter of Daniel Campbell; FPPC No. 14/837. Staff: Political Reform Consultant Teri Rindahl. In this matter, Respondent, Daniel Campbell, as a Long Valley Fire Protection District Board Member, failed to timely file his 2013 Statement of Economic Interests covering the period January 1, 2013, through December 31, 2013, due April 1, 2014, with the County of Mendocino, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

29. In the Matter of Harishkumar Patel; FPPC No. 14/896. Staff: Political Reform Consultant Teri Rindahl. In this matter, Respondent, Harishkumar Patel, as a California Correctional Health Care Services Physician/Surgeon, failed to timely file his 2013 Statement of Economic Interests covering the period January 1, 2013, through December 31, 2013, due April 1, 2014, with the California Correctional Health Care Services, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

30. In the Matter of James W. Fenske; FPPC No. 14/1041. Staff: Political Reform Consultant Adrienne Korchmaros. In this matter, Respondent, James W. Fenske, as a Member for the South Pasadena Design Review Board, failed to timely file his 2013 Statement of Economic Interests covering the period January 1, 2013, through December 31, 2013, due April 1, 2014, with the City of South Pasadena, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

Chair Remke made a motion to approve item 30, Commissioner Casher seconded the motion.

Ayes: Commissioners Casher, Wasserman, Wynne, Chair Remke

Abstention: Commissioner Eskovitz

The motion passed 4 to 0.

31. In the Matter of Everett Brandon; FPPC No. 14/842. Staff: Political Reform Consultant Teri Rindahl. In this matter, Respondent, Everett Brandon, as the Marin City Community Services District Director, failed to timely file his 2013 Statement of Economic Interests covering the period January 1, 2013, through December 31, 2013, due April 1, 2014, with the County of Marin, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

32. In the Matter of Donald Dixon, Sr.; FPPC No. 14/1056. Staff: Political Reform Consultant Adrienne Korchmaros. In this matter, Respondent, Donald Dixon, Sr., as a Member of the Workforce Investment Board for the County of San Benito, failed to timely file his 2013 Statement of Economic Interests covering the period January 1, 2013, through December 31, 2013, due April 1, 2014, with the County of San Benito, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

33. In the Matter of Robert Webb; FPPC No. 14/979. Staff: Legal Analyst Tracey Frazier and Law Clerk Robert Binning. In this matter, Respondent, Robert Webb, as a Citizen Advisory Committee Member for the Tri-City and County Cooperative Planning Group, failed to timely file his 2013 Statement of Economic Interests covering the period January 1, 2013, through December 31, 2013, due April 1, 2014, with the Solano County Registrar of Voters Office, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

Statement of Economic Interests – Non-Reporting

34. In the Matter of Clayton Chau; FPPC No. 13/543. Staff: Commission Counsel Adam Silver and Special Investigator Paul Rasey. On December 10, 2012, CalOptima, a county healthcare agency, hired Respondent, Clayton Chau, to serve as the manager of its Behavior Health Program. The position of Manager of the Behavioral Health Program is a designated position under the CalOptima conflict of interest code. As a designated employee, Respondent was required to file a Statement of Economic Interests disclosing all of his reportable economic interests from the preceding twelve months within thirty days of assuming his position with the agency. In this matter, Respondent timely filed the required statement, but failed to report the pharmaceutical company AstraZenca as a source of income, in violation of Government Code Sections 87300 and 87302 (1 count). **Total Proposed Penalty: \$2,000.**

35. In the Matter of Raymond Castillo; FPPC No. 14/778. Staff: Political Reform Consultant Jeanette E. Turvill. Respondent, Raymond Castillo, is an Imperial County Supervisor. In this matter, Respondent had an outstanding loan from a private party secured by property located in the County of Imperial. Respondent failed to disclose this loan from C & G Farms on his Assuming Office Statement of Economic Interests and on three Annual Statement of Economic Interests, in violation of Government Code Section 87207 (4 counts). **Total Proposed Penalty: \$800.**

36. In the Matter of Ian Calderon; FPPC No. 12/203. Staff: Senior Commission Counsel Dave Bainbridge and Special Investigator Beatrice Moore. In this matter, Respondent, Ian Calderon, as a California Assembly Member, failed to timely disclose income he received on his Assuming Office Statement of Economic Interests, 2010 Statement of Economic Interests,

and his Candidate Statement of Economic Interest, in violation of Government Code Sections 87201, 87202, 87203, and 87207 (3 counts). **Total Proposed Penalty: \$600.**

37. In the Matter of Edward “Ty” Peabody; FPPC No. 14/1073. Staff: Political Reform Consultant Adrienne Korchmaros. In this matter, Respondent, Edward “Ty” Peabody, as a Council Member for the City of Indian Wells, failed to timely disclose his economic interest in his wife’s restaurant on his 2013 Statement of Economic Interests covering the period January 1, 2013, through December 31, 2013, due April 1, 2014, in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

38. In the Matter of Gayle McLaughlin; FPPC No. 14/500. Staff: Political Reform Consultant Teri Rindahl. In this matter, Respondent, Gayle McLaughlin, as the Mayor for the City of Richmond, failed to report a \$4,498.94 gift in the form of travel expenses from the Presidencia Republica Del Ecuador on her 2013 Annual Statement of Economic Interests covering the period January 1, 2013, through December 31, 2013, due April 1, 2014, in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

Pro-Active Gift Non-Reporting Cases

39. In the Matter of Eileen Rohan; FPPC No. 14/676. Staff: Legal Analyst Tracey Frazier and Law Clerk Robert Ashley. In this matter, Respondent, Eileen Rohan, as a Superintendent of the Ross Valley School District, failed to timely disclose gifts of: two meals valued at \$210.22 on her 2011 Statement of Economic Interests, two meals valued at \$203.72 on her 2012 Statement of Economic Interests, and two meals valued at \$217.84 on her 2013 Statement of Economic Interests. All gifts were from Stone and Youngberg LLC., and all omissions were in violation of Government Code Section 87207 (3 counts). **Total Proposed Penalty: \$600.**

40. In the Matter of Lena Mendoza; FPPC No. 14/1030. Staff: Senior Commission Counsel Bridgette Castillo and Staff Services Analyst Garrett Micheels. In this matter, Respondent, Lena Mendoza, as a Board Member for the Atwater Elementary School District, failed to timely disclose gifts of: two meals valued at \$157.64 on her 2010 Statement of Economic Interests and two meals valued at \$199.62 on her 2011 Statement of Economic Interests. All gifts were from Stone and Youngberg LLC., and all omissions were in violation of Government Code Section 87207 (2 counts). **Total Proposed Penalty: \$400.**

41. In the Matter of Rick Hennes; FPPC No. 14/703. Staff: Senior Commission Counsel Bridgette Castillo and Staff Services Analyst Garrett Micheels. In this matter, Respondent, Rick Hennes, as a Superintendent for the River Delta Unified School District, failed to timely disclose gifts of: two meals valued at \$204.92 on his 2011 Statement of Economic Interests and one meal valued at \$101.86 on his 2012 Statement of Economic Interests. All gifts were from Stone and Youngberg LLC., and all omissions were in violation of Government Code Section 87207 (2 counts). **Total Proposed Penalty: \$200**

42. In the Matter of Joan Lucid; FPPC No. 14/691. Staff: Senior Commission Counsel Bridgette Castillo and Legal Analyst Tracey Frazier. In this matter, Respondent, Joan Lucid, as a Superintendent for the Saugus Union School District, failed to timely disclose a gift of:

one meal valued at \$101.86 on her 2012 Statement of Economic Interests. All gifts were from Stone and Youngberg LLC., and all omissions were in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

43. In the Matter of Debra Bradley; FPPC No. 14/690. Staff: Senior Commission Counsel Bridgette Castillo and Staff Services Analyst Garrett Micheels. In this matter, Respondent, Debra Bradley, as a Superintendent for the Sausalito-Marín City School District, failed to timely disclose a gift of: one meal valued at \$105.11 on her 2011 Statement of Economic Interests. All gifts were from Stone and Youngberg LLC., and all omissions were in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

44. In the Matter of Robert Garibay; FPPC No. 14/904. Staff: Senior Commission Counsel Bridgette Castillo and Political Reform Consultant Teri Rindahl. In this matter, Respondent, Robert Garibay, as a Madera Unified School District Board Trustee, failed to timely disclose gifts of: two meals valued at \$157.64 on his 2010 Statement of Economic Interests. All gifts were from Stone and Youngberg LLC., and all omissions were in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

45. In the Matter of Robert Rodarte; FPPC No. 14/1010. Staff: Senior Commission Counsel Bridgette Castillo, Legal Analyst Tracey Frazier, and Law Clerk Elizabeth Smutz. In this matter, Respondent, Robert Rodarte, as a Trustee of Delhi Unified School District, failed to timely disclose a gift of: one meal valued at \$157.64 on his 2011 Statement of Economic Interests. All gifts were from Stone and Youngberg LLC., and all omissions were in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

46. In the Matter of Michael Salvador; FPPC No. 14/1032. Staff: Political Reform Consultant Adrienne Korchmaros and Legal Analyst Tracey Frazier. In this matter, Respondent, Michael Salvador, as a Madera Unified School District Trustee, failed to timely disclose gifts of: two meals valued at \$157.64 on his 2010 Statement of Economic Interests. All gifts were from Stone and Youngberg LLC., and all omissions were in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

47. In the Matter of John Norman; FPPC No. 14/809. Staff: Senior Commission Counsel Bridgette Castillo and Political Reform Consultant Teri Rindahl. In this matter, Respondent, John Norman, as a Board Trustee for the San Jacinto Unified School District, failed to timely disclose gifts of: two meals valued at \$132.12 on his 2012 Statement of Economic Interests. All gifts were from Stone and Youngberg LLC., and all omissions were in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

48. In the Matter of Les Crawford; FPPC No. 14/682. Staff: Senior Commission Counsel Bridgette Castillo and Staff Services Analyst Garrett Micheels. In this matter, Respondent, Les Crawford, as a Superintendent for the Twin Hills Union School District, failed to timely disclose a gift of: one meal valued at \$101.86 on his 2012 Statement of Economic Interests. All gifts were from Stone and Youngberg LLC., and all omissions were in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

GENERAL ITEMS 49 – 53

49. Assignment of Hearing to Administrative Law Judge ("ALJ") – American Metal Group: In the Matter of American Metal Group, Inc. and Howard Misle; FPPC No. 12/490. Staff: Gary Winuk, Chief of Enforcement and Dave Bainbridge, Senior Commission Counsel. Chief of Enforcement, Gary Winuk

The Commission took no action on this matter, so pursuant to law, the matter will be assigned to an Administrative Law Judge for hearing.

Informational Item (No action required)

50. Proactive Pre-election Efforts for the November General Election. Chief of Enforcement, Gary Winuk, will report on the Enforcement Division's pre-election efforts. Chief of Enforcement, Gary Winuk briefed the Commissioners on FPPC targeted investigations and actions for the November 2014 General Election. Commissioner Wynne asked about the impact of staff time when the FPPC contracts with large counties without ethics commissions such as San Bernardino. Gary Winuk and Executive Director Erin Peth responded.

51. Adoption of the 2014/15 Statement of Economic Interests, Form 700 and related documents. Staff: Lynda Cassady, Chief of Technical Assistance Division.

Commissioner Wynne made a motion to approve item 51, Commissioner Casher seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke

The motion passed 5 to 0.

52. Adoption of Amendments to Regulations 18545, 18703.4, 18730 and 18940.2 – Biennial Adjustments of Gift Limit, Contribution Limits and Voluntary Expenditure Ceilings. Staff: General Counsel Zackery P. Morazzini and Commission Counsel Emelyn Rodriguez. Government Code Sections 83124, 85316(b), 87103(c) and 89503(f) require biennial adjustments of the Act's gift limit, contribution limits and voluntary expenditure ceilings to reflect changes in the consumer price index. These amendments implement these adjustments for the period January 1, 2015 through December 31, 2016.

Chair Remke made a motion to approve item 52, Commissioner Casher seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke

The motion passed 5 to 0.

53. Amend Regulations 18704, 18704.1 and 18705.1- Materiality Standard for a Financial Interest in a Business Entity. Staff: General Counsel Zackery P. Morazzini and Senior Commission Counsel William J. Lenkeit. Staff proposes that the Commission amend Regulations 18704, 18704.1 and 18705.1 to set new standards to simplify the process of

determining when the reasonable foreseeable financial effects of a governmental decision will materially affect an official's interest in a business entity under Section 87103(a) and (d).

Public Comment from San Mateo, City Attorney Shawn Mason and Senior Counsel for the University of California from Mark Morodomi raised concerns regarding the "bright line standard".

Chair Remke made a motion to approve item 53, Commissioner Wynne seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke

The motion passed 5 to 0.

EXECUTIVE STAFF REPORTS ITEM 54

Litigation Report. Staff: General Counsel, Zackery P. Morazzini

Legal Division Report. Staff: General Counsel, Zackery P. Morazzini

Enforcement Division Report. Staff: Chief of Enforcement, Gary Winuk

Technical Assistance Division Report. Staff: Chief of Technical Assistance Division, Lynda Cassady

Commissioner Wynne had a question regarding the Litigation Report, Chief of Enforcement Gary Winuk informed the commission there was a continuance in the relevant matter.

Chair Remke made a motion to adjourn the meeting. Commissioner Casher seconded the motion.

Ayes: Commissioners Casher, Eskovitz, Wasserman, Wynne, Chair Remke,

The motion passed 5 to 0.

The meeting adjourned at 11:09 am.

Respectfully Submitted,

Dated:

John Kim

Commission Assistant

Approved January 15, 2014

Joann Remke, Chair

Fair Political Practices Commission