



**(Unapproved and subject to change)**  
**CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION**  
**MINUTES OF HEARING, Public Session**  
**Thursday, September 15, 2016**

Under Government Code section 11123(a), all meetings of a state body are open and public, and all persons are permitted to attend any meeting of a state body, except as otherwise provided in that article. The section further states that the portion of the teleconferenced meeting that is required to be open to the public must be audible to the public at the location specified in the notice of the meeting. The Commission may take action on any item listed on this agenda.

**CALL TO ORDER**

Chair Remke called the meeting to order at 10:00 am on September 15, 2016, at the Fair Political Practices Commission, 428 J Street, Sacramento, CA 95814. Chair Remke and Commissioners Audero, Casher, and Wynne were present.

**Welcome**

Jodi Remke, FPPC Chair

**Public Comment**

**1. Public Comment.**

No public comment.

**Approval of Commission Minutes**

**2. Approval of August 2016 Commission Hearing Minutes.**

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

Ayes: Commissioners Audero, Casher, Wynne, and Chair Remke.

The motion passed 4 to 0.

## **CONSENT CALENDAR ITEMS 3 – 16**

Items 3 and 4 were pulled at the request of Commissioner Audero.

Commissioner Wynne made a motion to approve items 5-16, Commissioner Casher seconded the motion.

Ayes: Commissioners Audero, Casher, Wynne, and Chair Remke.

The motion passed 4 to 0.

### **Personal Use of Campaign Contributions/Campaign Reporting**

- 3. In the Matter of Tina Baca Del Rio, Friends of Tina Baca Del Rio, and Tina Baca Del Rio for City Council 2013; FPPC No. 12/832.** Staff: Senior Commission Counsel Bridgette Castillo, Special Investigator Jeffrey Kamigaki and Program Specialist Luz Bonetti. Tina Baca Del Rio was a successful candidate for the City of Commerce City Council in the March 5, 2013 Election, initially elected as a member of the Commerce City Council in 2005. Tina Baca Del Rio for Commerce City Council 2013 (“Committee”), formerly known as Friends of Tina Baca Del Rio, is the controlled committee of Baca Del Rio. Baca Del Rio was the treasurer of the Committee at all relevant times. Baca Del Rio and the Committee: (1) failed to timely file and properly disclose financial activity on three semiannual campaign statements, in violation of Government Code Sections 84200, subdivision (a), and 84211, subdivisions (a)-(j) (3 counts); (2) failed to timely file and properly disclose financial activity on one pre-election campaign statement, in violation of Government Code Sections 84200.5, subdivision (c), 84200.8, subdivision (b) and 84211, subdivisions (a)-(j) (1 count); (3) failed to file fourteen 24-Hour Contribution Reports, in violation of Government Code Section 84203 (4 counts); and (4) failed to pay 2013 and 2014 Annual Fees to the Secretary of State’s Office, in violation of Government Code Section 84101.5 (1 count). Baca Del Rio, individually, used campaign funds which conferred a substantial personal benefit to her for purposes not directly related to a political, legislative or governmental purpose, in violation of Government Code Section 89512 (3 counts). **Proposed Penalty Against Baca Del Rio individually: \$15,000. Proposed Penalty Against the Committee and Baca Del Rio: \$40,000. Total Proposed Penalty: \$55,000.**

Commissioner Casher stated that he is in favor of the settlement proposed by staff because of the admission of fault, the fine is significant, and does not believe returning to a default would be the best use of staff resources. He also stated that the counts reduced were appropriate in this case.

Commissioner Audero stated that Baca del Rio historically has a record of non-reporting and that is a stronger aggravating factor for this time around. Audero stated that the negotiated amount is not enough.

Public Comment:

Richard Hernandez, Resident of City of Commerce, would like Baca del Rio to be made an example of with a higher fine.

Charles Calderon, Resident of City of Commerce, would like the Commission to reject the stipulation and instead proceed with the default decision.

Commissioner Wynne made a motion to approve item 3, Commissioner Casher seconded the motion.

Ayes: Commissioners Casher, Wynne, and Chair Remke.

Nays: Commissioner Audero.

The motion passed 3 to 1.

### **Conflict of Interests/Campaign Reporting**

- 4. In the Matter of Ivan Altamirano and Friends of Ivan Altamirano for Council 2013; FPCC No. 13/908.** Staff: Senior Commission Counsel Bridgette Castillo, Special Investigator Ann Flaherty and Program Specialist Luz Bonetti. Ivan Altamirano is currently the Mayor of the City of Commerce. He successfully ran for Commerce City Council in the March 5, 2013 election. Friends of Ivan Altamirano for Council 2013 (“Committee”) is his candidate controlled committee. Altamirano voted on three separate occasions to appoint and re-appoint his sister to the Commerce Planning Commission, who is a source of income to him as a tenant in his rental property. Altamirano also voted to place an all way stop sign within 150 feet of his home and rental property, in violation of Government Code Section 87100 (2 counts). Altamirano and the Committee: (1) failed to timely file and properly disclose financial activity on one pre-election campaign statement, in violation of Government Code Sections 84200.5, subdivision (c), 84200.8, subdivision (b) and 84211, subdivisions (b)(j) and (k) (1 count), and (2) failed to file twelve 24-Hour Reports, in violation of Government Code Section 84203 (2 counts). **Total Proposed Penalty: \$15,500.**

Commissioner Audero asked for clarification on the 24-hour reporting count reductions.

Chief Galena West said the law changed regarding the 24-hour reports around the same time the violations occurred.

Public Comment:

Richard Hernandez, Resident of City of Commerce, stated that he finds the fine amount unjust.

Alfonso Rosco, Resident of City of Commerce, stated that he believes Altamirano has been under the tutelage of Baca del Rio and that such violations will continue.

Charles Calderon, Resident of City of Commerce, stated that Altamirano knew what he was doing.

Commissioner Wynne thanked the members of the public who attended the meeting in person, assured them that they had been heard and stated that the fine amount is significant for a first-time offender.

Commissioner Wynne made a motion to approve item 4, Commissioner Casher seconded the motion.

Ayes: Commissioners Audero, Casher, Wynne and Chair Remke.  
The motion passed 4 to 0.

- 5. In the Matter of Chula Vista Educators PAC and Jennefer C. Porch, Treasurer; FPPC No. 16/346.** Staff: Chief of Enforcement Galena West and Assistant Political Reform Consultant Chloe Hackert. Chula Vista Educators PAC, a county general purpose committee, and Jennefer C. Porch made six independent expenditures totaling \$3,694 during the 90 days before the November 4, 2104 General Election and failed to file six 24-Hour Late Expenditure Reports, in violation of Government Code Section 82036.5 (6 counts). **Total Proposed Penalty: \$1,446.**

### **Campaign Non-Filers**

- 6. In the Matter of Karlfeldt Su and Arcadian's Rights Protection Association; FPPC No. 16/402.** Staff: Chief of Enforcement Galena West and Assistant Political Reform Consultant Chloe Hackert. Arcadian's Rights Protection Association is a county general purpose committee. Su and Arcadian's Rights Protection Association failed to timely file: a statement of organization within 10 days of qualifying as a committee, one pre-election campaign statement for the reporting period of January 1, 2016 through March 26, 2016, and two late independent expenditure reports, in violation of Government Code Sections 84101, 84200, and 84204 (4 counts). **Total Proposed Penalty: \$868.**

- 7. In the Matter of Lilly Agbalog, Lilly Perez Agbalog for Delano Union Joint Union High School District Board 2014, and Romeo Agbalog, Treasurer; FPPC No. 15/2095.** Staff: Commission Counsel Michael W. Hamilton. Lilly Agbalog, an unsuccessful candidate for Delano Union Joint High School District Board, and Romeo Agbalog failed to timely file three semiannual campaign statements covering the periods of October 19, 2014 through December 31, 2014, January 1, 2015 through June 30, 2015, and July 1, 2015 through December 31, 2015, in violation of Government Code Section 84200 (3 counts). Additionally, Lilly Agbalog and Romeo Agbalog failed to file a 24-Hour Late Contribution Report that would have disclosed that she received \$3,000 on September 25, 2014, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$861.**
- 8. In the Matter of Jason Anderson Town Mayor 2014, Jason Anderson, and Terance Orme, Treasurer; FPPC No. 15/226.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Law Clerk Elizabeth Enea. Jason Anderson was an unsuccessful candidate for Oakland Mayor during the November 4, 2014 General Election. His candidate controlled committee was Jason Anderson Town Mayor 2014. Terance Orme was the Committee's treasurer. Anderson, Orme, and the committee failed to timely file two semiannual campaign statements for the periods of February 18, 2014 through June 30, 2014, and October 19, 2014 through December 31, 2014, in violation of Government Code Section 84200 (2 counts). Anderson, Orme, and the committee also failed to timely file two pre-election campaign statements for the periods of July 1, 2014 through September 30, 2014, and October 1, 2014 through October 18, 2014, in violation of Government Code Section 84200.5 (2 counts). **Total Proposed Penalty: \$812.**
- 9. In the Matter of Mary Ann Nihart, Committee to Elect Mary Ann Nihart for City Council 2012, and Eileen Manning-Villar, Treasurer; FPPC No. 16/008.** Staff: Chief of Enforcement Galena West and Staff Services Analyst Dominika Wojenska. Mary Ann Nihart was a successful candidate for Pacifica City Council in the November 6, 2012 General Election. Committee to Elect Mary Ann Nihart for City Council 2012 is her candidate controlled recipient committee. Mary Ann Nihart, Committee to Elect Mary Ann Nihart for City Council 2012, and Treasurer Eileen Manning-Villar failed to timely file four consecutive semiannual campaign statements for the reporting period of July 1, 2013 through June 30, 2015, in violation of Government Code Section 84200 (4 counts). **Total Proposed Penalty: \$803.**
- 10. In the Matter of Romeo Agbalog, Romeo Agbalog for Delano Union Elementary School Board Trustee, and Greg White, Treasurer; FPPC No. 14/290.** Staff: Commission Counsel Michael W. Hamilton and Special Investigator Kelli Gould. Romeo Abaglog, Romeo Agbalog for Delano Union Elementary School Board Trustee, and Treasurer Greg White failed to timely file two semiannual campaign statements covering the periods of January 1, 2012 through June 30, 2012, and July 1, 2012 through

December 31, 2012, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$400.**

### **Statement of Economic Interests Non-Filers**

- 11. In the Matter of Erica Lemons; FPPC No. 14/841.** Staff: Commission Counsel Toren Lewis. Erica Lemons, as a Board Member of the Anderson Valley Unified School District in the County of Mendocino, failed to file two Annual Statements of Economic Interest for the years of 2013 and 2014, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$1,200.**
  
- 12. In the Matter of Andres Gutierrez; FPPC No. 16/575.** Staff: Chief of Enforcement Galena West, Enforcement Intake Manager Adrienne Korchmaros and Enforcement Division Intern Dylan Levine. Andres Gutierrez, as a Member of the Guadalupe Public Cemetery District in the County of Santa Barbara, failed to timely file two Annual Statements of Economic Interests covering the years of 2014 and 2015, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$400.**
  
- 13. In the Matter of Alon Glickstein; FPPC No. 16/622.** Staff: Chief of Enforcement Galena West, Enforcement Intake Manager Adrienne Korchmaros and Enforcement Division Intern Dylan Levine. Alon Glickstein, as a Member of the Oak Park Municipal Advisory Council in the County of Ventura, failed to timely file his 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
  
- 14. In the Matter of Neal Dixon; FPPC No. 16/620.** Staff: Chief of Enforcement Galena West, Enforcement Intake Manager Adrienne Korchmaros and Enforcement Division Intern Dylan Levine. Neal Dixon, as Director of the Pleasant Valley Recreation and Park District for the County of Ventura, failed to timely file his 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
  
- 15. In the Matter of Jason Stack; FPPC File No. 16/419.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Graduate Legal Assistant Amanda Kelly. Jason Stack, as a consultant for the City of Oceanside, failed to timely file his 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
  
- 16. In the Matter of Ward O’Doherty; FPPC No. 16/418.** Staff: Chief of Enforcement Galena West and Enforcement Division Intake Manager Adrienne Korchmaros. Ward O’Doherty, as Commissioner for the Economic Development Commission in the City of

Oceanside, failed to timely file his 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

### **General Items (17-18)**

**17. Amend Regulation 18951 – Surplus Funds. Staff:** Hyla Wagner, General Counsel and Val Joyce, Commission Counsel. Staff proposes that the Commission amend Regulation 18951 to conform its definition of surplus funds to Government Code Section 89519 as amended in 2014 (AB 800.) Campaign funds now become surplus funds on the later of the 90<sup>th</sup> day after a candidate leaves office or the 90<sup>th</sup> day following the end of the postelection reporting period following defeat. The proposed amendment also provides that after a candidate's death, his or her campaign funds become surplus funds on the 90<sup>th</sup> day after the end of the postelection reporting period following the candidate's death.

Commissioner Auderon made a motion to approve item 17, Commissioner Casher seconded the motion.

Ayes: Commissioners Audero, Casher, Wynne and Chair Remke.  
The motion passed 4 to 0.

**18. Legislative Update for September 2016.** Staff: Phillip Ung, Legislative and External Affairs Director. This report includes a summary of 22 bills and one constitutional amendment that would impact the Political Reform Act or Government Code 1090. The Legislature has concluded its 2015-2016 Regular Session sending three bills to the Governor's desk. A fourth bill has been signed into law.

The report was submitted.

### **Executive Staff Reports Item 19**

#### **19. Executive Staff Reports.**

Enforcement Division. Galena West, Enforcement Chief  
Legal Division. Hyla P. Wagner, General Counsel  
External Affairs and Education. Tara Stock, Manager

The staff reports were submitted.

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

Ayes: Commissioners Audero, Casher, Wynne, and Chair Remke.  
The motion passed 4 to 0.

The meeting adjourned at 10:34am.

Respectfully Submitted,  
Sheva Tabatabaiejad  
Commission Assistant  
Approved October 5, 2016

Joann Remke, Chair  
Fair Political Practices Commission