



(Unapproved and subject to change)
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
MINUTES OF HEARING, Public Session
Thursday, April 20, 2017

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 1:00 pm on April 20, 2017, at the Fair Political Practices Commission, 428 J Street, Sacramento, CA 95814. Chair Remke and Commissioners Audero, Hatch and Hayward were present. Commissioner Casher was present via teleconference.

Welcome

Jodi Remke, FPPC Chair

Director of Communications Jay Alan and Chief Information Officer Larry Crabtree unveiled the new Behested Payment Search on the FPPC website.

Public Comment

1. Public Comment.

Approval of Commission Minutes

2. Approval of March 2017 Commission Hearing Minutes.

Commissioner Hayward made a motion to approve item 2; Commissioner Casher seconded the motion.

Ayes: Commissioners Audero, Casher, Hatch, Hayward, and Chair Remke.
The motion passed 5 to 0.

CONSENT CALENDAR ITEMS 3-39

Items 3, 4, 5, 7, 8, 9, 10 and 36 were pulled at the request of Commissioner Audero.

Item 26 was removed from the agenda at the request of Chief of Enforcement Galena West.

Commissioner Audero made a motion to approve items 6, 11-25, 27-35, 37-39;
Commissioner Casher seconded the motion.

Ayes: Commissioners Audero, Casher, Hatch, Hayward, and Chair Remke.
The motion passed 5 to 0.

Consent Calendar 3 – 39

Conflict of Interests

- 3. In the Matter of Eric Reed; FPPC No. 15/1174.** Staff: Commission Counsel Toren Lewis. Eric Reed failed to timely disclose his economic interests of between \$10,001–\$100,000 of AT&T stock on his 2014 Annual Statement of Economic Interest, in violation of Government Code Section 87203 (1 count). As a Belmont City Councilmember, Reed voted on AT&T’s appeal of a Planning Commission decision at the February 10, 2015 city council meeting, when he knew or should have known that he had a disqualifying conflict of interest by virtue of his ownership of AT&T stock, in violation of Government Code Section 87100 (1 count). **Total Proposed Penalty: \$4,500.**

Commissioner Audero asked why the Commission is pursuing the conflict of interest issue if Mr. Reed voted against his economic interest. She does not think this is the type of case that should be pursued.

General Counsel Hyla Wagner referred to section 87103, which is the main conflict statute. If the official’s interest is directly involved in the decision, it is reasonably foreseeable that the decision is going to have a material financial effect on the economic interest. The Act does not go to whether there is a benefit. In this case the councilmember’s interest was in AT&T stock and AT&T was the party before the city council.

Chief of Enforcement Galena West said we look at time of decision. It is a clear-cut rule that if your interest is before you, you can’t participate at all, leave the room and don’t vote. Officials appreciate a black and white rule.

Commissioner Hatch wondered if Reed was unaware that he had a reportable interest. He also doesn’t like the limited role the Commissioners have to review stipulations.

Commissioner Hayward said she doesn't see how the decision would change the share price of AT&T, especially when considering a small shareholder of a company. She believes that the non-disclosure was the issue, and she would like to see the voting violation take a hit.

Commissioner Casher said he advises a lot of government agencies and they like to have a bright-line rule. And with an economic interest, not only is there a conflict, but also a perception of bias.

Chair Remke discussed the authority under the Administrative Procedures Act for the parties to stipulate on any terms the parties determine are appropriate, and the Commission's function to review to assure consistent with statute and regulation.

Commissioner Hatch believes there should be a way to modify the stipulations.

Commissioner Audero made a motion to reject the stipulation in item 3, and for Enforcement to pursue only count 1; Commissioner Hatch seconded the motion.

Ayes: Commissioners Audero, Hatch, and Hayward.

Nays: Commissioner Casher and Chair Remke.

The motion passed 3 to 2, stipulation rejected.

Advertisements

- 4. In the Matter of Save Public Parking, No on H; Yes on I and Michael Powers; FPCC No. 16/652.** Staff: Commission Counsel Amanda Kelly and Assistant Special Investigator Roone Petersen. Save Public Parking, No on H; Yes on I is a ballot measure committee primarily formed to oppose and support two competing measures on the June 7, 2016 Primary Election ballot in the City of Dana Point. Michael Powers is the Committee's treasurer. The Committee and Powers failed to include a disclosure statement on five advertising banners and failed to include a disclosure statement of at least five percent of the height of the advertisement on 300 yard signs, in violation of Government Code Section 84504, subdivision (c) and Regulation 18450.4, subdivision (b) (1 count). **Total Proposed Penalty: \$3,500.**

Commissioner Audero asked about the comparable case.

Chief West said the violation with the banners not having proper disclosure made this violation more egregious than the comparable case.

Public Comment: Ashlee Titus, Bell McAndrews & Hiltachk LLP, stated that although she does not represent respondent, she takes issue with sign cases because she believes the regulation is vague. She has not asked for formal advice on the subject for clarification.

Commissioners Audero and Hayward stated they would prefer a lower penalty amount.

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

Ayes: Commissioner Casher and Chair Remke.

Nays: Commissioners Audero and Hayward.

Abstention: Commissioner Hatch.

Vote 2-2, 1 abstain. No formal action authorized.

5. **In the Matter of Public and Mental Health Advocates Against 64, Sponsored and Major Funding by SAM Action, Inc. and California Public Safety Institute, John Lovell, and David Bauer; FPPC No. 16/19760.** Staff: Commission Counsel Amanda Kelly and Special Investigator Paul Rasey. Public and Mental Health Advocates Against 64, Sponsored and Major Funding by SAM Action, Inc. and California Public Safety Institute is a state ballot measure committee. John Lovell is the Committee's principal officer. David Bauer is the Committee's treasurer. The Committee, Lovell, and Bauer failed to timely amend the Committee's name to identify the economic or other special interest of a donor of \$50,000 or more, and failed to timely amend the Committee's advertising disclosures to identify its major donor, in violation of Government Code Sections 84101, 84503, 84504 and Regulation 18450.5 (1 count). **Total Proposed Penalty: \$3,500.**

Commissioner Audero asked what accounted for the \$1,000 difference between this case and the Prop 61 case.

Chief West said the prop 61 case consisted of two YouTube videos that were changed as soon as they were contacted by the Enforcement Division. This case had naming problems for their statement of organization, \$50,000 disclosure naming problem and the "special economic interests" not being in the name. They had to change all their different advertisements.

Commissioner Hatch said that he felt the fine was low considering the facts as provided. He suggested putting the matter over so the Enforcement Division could look into the case further.

Public Comment: Ashlee Titus, Bell McAndrews & Hiltachk LLP, the committee was a client of the firm, and she wanted to give some context to the resolution.

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

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

Nays: Commissioner Hatch.

The motion passed 4 to 1.

- 6. In the Matter of Fullerton Taxpayers for Reform, Tony Bushala, and Jack Dean. FPPC No. 16/422.** Staff: Commission Counsel Toren Lewis and Special Investigator Garrett Micheels. Fullerton Taxpayers for Reform is a city general purpose committee. Tony Bushala and Jack Dean were the Committee's Principal Officers. Fullerton Taxpayers for Reform, Bushala, and Dean produced campaign signs opposing State Senate candidate Sukhee Kang in Orange County that did not adequately disclose the committee as the source of the advertisements and failed to include the required independent expenditure disclaimer, in violation of Government Code Sections 84506 and 84506.5 and Regulation 18450.4, subdivision (b)(3)(D). (1 count). **Total Proposed Penalty: \$2,500.**

Slate Mailer Organizations

- 7. In the Matter of San Francisco Latino Democratic Club and Gabriel Medina; FPPC No. 14/1135.** Staff: Senior Commission Counsel Neal Bucknell and Special Investigator Jeffrey Kamigaki. The San Francisco Latino Democratic Club is a general purpose committee. Gabriel Medina is the Committee's principal officer. In 2014, the Committee and Medina sent two slate mailers without required disclaimers, in violation of Government Code Section 84305.5, subdivision (a) (2 counts); failed to file a slate mailer organization statement of organization, in violation of Government Code Section 84108, subdivision (c) (1 count); and failed to file slate mailer organization semiannual campaign statements for reporting periods covering the reporting periods of January 1, 2014 through June 30, 2015, in violation of Government Code Section 84218, subdivision (a) (2 counts). **Total Proposed Penalty: \$9,500.**

Commissioner Hayward had questions about the material difference between filing as a slate mailing organization and a regular committee, and she had received clarification from General Counsel. She understands respondent needed to file as a slate mailing organization to clarify which campaigns and candidates are being supported and opposed.

Chief West said the other distinction was where the committee files. Since this was a city committee and they filed in San Francisco, but as a slate mailer organization they should have also filed with the Secretary of State.

Commissioner Audero asked if the difference in penalty between the prior cases cited was because the mailers reached more people.

Chief West said that in the comparable case they halted distribution when they discovered their error and didn't distribute all of them once they realized it had the incorrect disclosure.

Commissioner Audero made a motion to approve item 7, Commissioner Hayward seconded the motion.

Ayes: Commissioners Audero, Casher, Hatch, Hayward, and Chair Remke.
This motion passed 5 to 0.

Campaign Reporting

- 8. In the Matter of SAM Action, Inc., A Committee Against Proposition 64 with Help from Citizens (Nonprofit 501(c)(4)); Kevin Sabet-Sharghi; and David Bauer; FPPC No. 16/19641.** Staff: Commission Counsel Amanda Kelly and Political Reform Consultant Chloe Hackert. SAM Action, Inc., A Committee Against Proposition 64 with Help from Citizens (Nonprofit 501(c)(4)) is multipurpose organization that qualified as a recipient committee on April 13, 2016. Kevin Sabet-Sharghi was the Committee's principal officer. David Bauer was the Committee's treasurer. The Committee, Sabet-Sharghi, and Bauer failed to timely change the Committee's name to reflect the economic or special interest of a donor of \$50,000, in violation of Government Code Sections 84101 and 84504, subdivision (a) (1 count); failed to timely report five contributions of \$5,000 or more, in violation of Government Code Section 85309, subdivision (d) (1 count); failed to accurately report the total amount of and specific information regarding contributions it received on the semiannual campaign statement covering the reporting period of January 1, 2016 through June 30, 2016, in violation of Government Code Sections 84211, subdivisions (c) and (f) (1 count); and failed to timely file a Top 10 contributors list, in violation of Government Code Section 84223 and Regulation 18422.5, subdivision (a) (1 count). **Total Proposed Penalty: \$6,000.**

Commissioner Audero asked if there was any history of a committee not identifying the top 10 contributors.

Chief West said that it is relatively new requirement that went into effect in 2013 and is only for committees that raise \$1 million. Usually committees that reach \$1 million comply because they have sophisticated staff.

Public Comment: Juliet F. Schauer, she was not a party to the case, but contributed to SAM Action. She objects to being called a special interest and to being named by the media and others. She feels that she is being used as a scapegoat by people who support marijuana legalization.

Chief West said that campaigns can be very contentious and they take privacy into consideration, but must follow the rules of disclosure.

Chair Remke made a motion to approve item 8, Commissioner Casher seconded the motion.

Ayes: Commissioners Audero, Casher, Hatch, Hayward, and Chair Remke.
The motion passed 5 to 0.

Campaign Non-Filer

- 9. In the Matter of Committee to Elect Marina Fraser, Marina Fraser, and Jackie M. Buckley; FPPC No. 16/140 (Default Decision).** Staff: Commission Counsel Amanda Kelly and Staff Services Analyst Dominika Wojenska. Marina Fraser served on the Half Moon Bay City Council from 2011 through 2016. Committee to Elect Marina Fraser is her candidate-controlled committee. Jackie M. Buckley is the Committee's treasurer. The Committee, Fraser, and Buckley failed to timely file eight semiannual campaign statements, in violation of Government Code Section 84200 (8 counts); and failed to pay the 2013, 2014, and 2016 \$50 Annual Fees to the Secretary of State's Office, in violation of Government Code Section 84101.5 (3 counts). **Total Proposed Penalty: \$41,000.**

Commissioner Hayward questions both items 9 and 36. They both involve penalizing respondents in default for failure to pay the annual fee and failure to pay the fine for not paying the fee. Based on Section 91005, she believes the penalty should be capped at three times the annual fee and should never be subject to the potential \$5,000 maximum.

Chief West said that section 91005 is for civil penalties under the Act and this is being prosecuted under the administrative section 91000.5. By placing the annual fee requirement into the Act, it is a violation of the Act not to pay it and the Commission is responsible for enforcing the provision. If it was not intended to be a violation of the Act subject to enforcement penalties, it would have been put into a different code.

Commissioner Audero stated that she thinks the amount is too high.

Commissioner Hayward stated that the penalties to the annual fee violation should be capped at \$200, which is three times the amount of the filing fee and the original fee amount of \$50. She stated counts 9, 10 and 11 should total \$600 instead of \$9,000.

Commissioner Hayward made a motion to approve item 9 with an amended penalty of \$32,600, Commissioner Audero seconded the motion.

Ayes: Commissioner Audero, Casher, and Hayward.

Nays: Commissioner Hatch and Chair Remke.

The motion passed 3 to 2.

10. In the Matter of Ralph Denney and Vote Ralph Denney 2012 Committee to Elect Ralph Denney to the Assembly – 78th District; FPPC No. 15/156 (Default Decision).

Staff: Commission Counsel Michael W. Hamilton and Staff Services Analyst Dominika Wojenska. Ralph Denney was a candidate for the State Assembly in District 78 in the June 5, 2012 Primary Election. Vote Ralph Denney 2012 Committee to Elect Ralph Denney to the Assembly – 78th District was Denney’s candidate-controlled committee. The Committee and Denney failed to file two pre-election statements covering the reporting periods of July 1, 2012 through October 20, 2012, in violation of Government Code Section 84200.5, subdivision (a) (2 counts); and failed to file three semiannual statements covering the reporting periods of May 20, 2012 through June 30, 2013, in violation of Government Code Section 84200 (3 counts). **Total Proposed Penalty: \$17,000.**

Commissioner Audero asked if the difference in penalty amount for filing a late annual statement electronically without paper is \$3,000 whereas if you file both late it is \$2,500.

Chief West clarified that the fine in the comparable case was lower because the paper statements were timely, but nothing in this case was timely.

Chair Remke made a motion to approve item 10, Commissioner Casher seconded the motion.

Ayes: Commissioners Casher, Hayward, and Chair Remke.

Nays: Commissioner Audero.

Abstentions: Commissioner Hatch.

The motion passed 3 to 1, 1 abstain.

11. In the Matter of Committee to Elect Erica Padilla-Chavez for Hartnell College 2009 and Erica Padilla-Chavez; FPPC No. 16/321 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Staff Services Analyst Dominika Wojenska. Erica Padilla-

Chavez is a Member of Hartnell Community College District Governing Board. Committee to Elect Erica Padilla-Chavez for Hartnell College 2009 is her candidate-controlled committee. The Committee and Padilla-Chavez failed to timely file eight semiannual campaign statements for the reporting periods of January 1, 2013 through December 31, 2016, in violation of Government Code Section 84200 (8 counts); and failed to timely pay the 2013, 2014, 2015, and 2016 \$50 Annual Fees to the Secretary of State's Office, in violation of Government Code Section 84101.5 (4 counts). **Total Proposed Penalty: \$2,435.**

12. In the Matter of Robert C. Newman II, Newman 4 Governor 2014, and Mary A. Newman; FPPC No. 17/00041 (Streamline Settlement). Staff: Enforcement Division Chief Galena West and Enforcement Division Intake Manager Adrienne Korchmaros. Robert C. Newman II was a candidate for Governor in the June 8, 2014 Primary Election. Newman 4 Governor 2014 was his candidate-controlled committee. Mary A. Newman was the Committee's treasurer. The Committee, Newman and Newman failed to timely file five 24-Hour Reports for late contributions received between March 6, 2014 and May 16, 2014, with the Secretary of State's Office, in violation of Government Code Section 84203 (5 counts). **Total Proposed Penalty: \$1,154.**

13. In the Matter of Paul Kouri and Paul Kouri for State Assembly 2014; FPPC No. 16/16468 (Streamline Settlement). Staff: Enforcement Division Chief Galena West and Enforcement Division Intake Manager Adrienne Korchmaros. Paul Kouri and Paul Kouri for State Assembly 2014 failed to timely file five 24-Hour Reports for late contributions received between March 8, 2014 and April 30, 2014, with the Secretary of State in violation of Government Code Section 84203 (5 counts). **Total Proposed Penalty: \$1,050.**

14. In the Matter of Michael D. Jackson for School Board 2016, Michael D. Jackson and Kelvin Barrios; FPPC No. 16/19862 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Staff Services Analyst Katie Trumbly. Michael D. Jackson was an unsuccessful candidate for the Chula Vista School Board in the November 8, 2016 Election. Michael D. Jackson for School Board 2016 is his candidate-controlled committee. Kelvin Barrios is the Committee's treasurer. The Committee, Jackson, and Barrios failed to timely file two pre-election campaign statements for the reporting periods of July 01, 2016 through October 22, 2016, in violation of Government Code Section 84200.5. (2 counts). **Total Proposed Penalty: \$834.**

- 15. In the Matter of Raoul Wallenberg, Jewish Democratic Club PAC, and Neal Sapper; FPPC No. 15/346 (Streamline Settlement).** Staff: Chief of Enforcement Galena West, Program Specialist Luz Bonetti, and Political Reform Consultant Chloe Hackert. Raoul Wallenberg Jewish Democratic Club PAC is a state general purpose committee. Neal Sapper is the Committee's treasurer. The Committee and Sapper failed to timely file two semiannual campaign statements for the reporting periods of January 1, 2014 through June 20, 2014, and October 19, 2014 through December 31, 2014, in violation of Government Code Section 84200 (2 counts) and failed to timely file one pre-election campaign statement for the reporting period of October 1, 2014 through October 18, 2014, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$736.**
- 16. In the Matter of California Senior Alliance, Primarily Formed to Support City of Watsonville Measures H, I, and J; FPPC No. 14/117 (Streamline Settlement).** Staff: Senior Commission Counsel Neal Bucknell and Special Investigator Paul Rasey. California Senior Alliance is a non-profit organization. In 2013, it qualified as a primarily formed ballot measure committee in support of City of Watsonville Measures H, I, and J. California Senior Alliance failed to file a statement of organization by August 1, 2013, in violation of Government Code Section 84101 (1 count); failed to file a quarterly campaign statement for the period ending on January 13, 2013 through September 30, 2013, in violation of Government Code Section 84202.3 (1 count); and failed to file one semiannual campaign statement for the reporting period of July 1, 2013 through December 31, 2013, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$715.**
- 17. In the Matter of Melton for State Assembly 2016 and Kevin Melton; FPPC No. 16/506 (Streamline Settlement).** Staff: Assistant Chief Dave Bainbridge. Kevin Melton was an unsuccessful candidate for State Assembly in the November 8, 2016 General Election. Melton for State Assembly 2016 was his candidate-controlled committee. Melton and the Committee failed to timely file three pre-election campaign statements, in violation of Government Code Section 84200.8 (3 counts). **Total Proposed Penalty: \$678.**
- 18. In the Matter of Montenegro for Judge 2014, Ruth Bermudez Montenegro, and Alicia M. Armenta; FPPC No. 16/462 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Ruth Bermudez Montenegro was a successful candidate for Superior Court Judge of Imperial County in the June 3, 2014 Primary Election. Montenegro for Judge 2014 was her candidate-controlled committee. Alicia Armenta was the Committee's treasurer. The Committee, Bermudez Montenegro, and Armenta, received a \$10,000 loan during the 90

days before the June 3, 2014 Primary Election and failed to file a 24-Hour report, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$300.**

- 19. In the Matter of Citizens for Support of Fowler Unified Bond Measure and Guillermo Becerril; FPPC No. 16/19667 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Staff Services Analyst Katie Trumbly. Citizens for Support of Fowler Unified Bond Measure is a primarily formed committee to support the Fowler Unified School District Bond Measure J in the November 8, 2016 General Election. Guillermo Becerril is the Committee's treasurer. The Committee and Becerril failed to timely file one pre-election campaign statement for the reporting period of July 1, 2016 through September 22, 2016, in violation of Government Code Section 84200.5. **Total Proposed Penalty: \$238.**
- 20. In the Matter of Committee to Support Our Volunteer Firefighters and Don Rudger; FPPC No. 16/19867 (Streamline Settlement).** Staff: Assistant Chief of Enforcement Dave Bainbridge, Commission Counsel Amanda Kelly, Assistant Political Reform Consultant Chloe Hackert, and Staff Services Analyst Dominika Wojenska. Committee to Support Our Volunteer Firefighters is a general purpose committee. Rudger is the Committee's treasurer. The Committee and Rudger failed to timely file one pre-election campaign statement for the reporting period of September 25, 2016 through October 22, 2016, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$235.**
- 21. In the Matter of James Kirk Andrus and Kirk Andrus for District Attorney 2014; FPPC No. 17/00039 (Streamline Settlement).** Staff: Enforcement Division Chief Galena West and Enforcement Division Intake Manager Adrienne Korchmaros. James Kirk Andrus was an incumbent candidate for the office of Siskiyou County District Attorney for the June 3, 2014 Primary Election. Kirk Andrus for District Attorney 2014 was his candidate-controlled committee. The Committee and Andrus failed to timely file one 24-Hour Report with the County of Siskiyou, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$210.**
- 22. In the Matter of Strickland for Council 2014, Teer Strickland, and Daryl E. Strickland; FPPC No. 15/091 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Teer Strickland was an unsuccessful candidate for Long Beach City Council in the June 3, 2014 Primary Election. Strickland for Council 2014 was her candidate-controlled committee. Daryl E. Strickland was the Committee's treasurer. The Committee, Strickland, and Strickland failed to timely file one semiannual campaign statement for the reporting period of July 1, 2014 through December 31, 2014, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$204.**

Campaign Non-Reporter

- 23. In the Matter of James B. Roybal and James B. Roybal for Board of Directors of the Central Basin Municipal Water District 1 2012; FPPC No. 14/049 (Streamline Settlement).** Staff: Assistant Chief of Enforcement Dave Bainbridge and Special Investigator Paul Rasey. James B. Roybal was a Director on the Central Basin Municipal Water District Board of Directors. James B. Roybal for Board of Directors of the Central Basin Water District 1 2012 was his candidate-controlled committee. Roybal and the Committee failed to timely disclose a total of twelve contributions of \$100 or more on one pre-election campaign statement and two semiannual campaign statements in 2012, in violation of Government Code Section 84211 (3 counts). **Total Proposed Penalty: \$2,433.**
- 24. In the Matter of Committee to Support Menlo Park Schools, Yes on Parcel Tax Measure X and Robyn Wheeler; FPPC No. 17/00089 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Committee to Support Menlo Park Schools, Yes on Parcel Tax Measure X is a ballot measure committee to support Measure X on the March 7, 2017 Special Election ballot in San Mateo County. Robyn Wheeler is the Committee's Treasurer. The Committee and Wheeler failed to report occupation and employer information for contributions received during the reporting periods of November 28, 2016 through January 21, 2017, in violation of Government Code Section 84211 (2 counts). **Total Proposed Penalty: \$678.**
- 25. In the Matter of Reclaim California's Future – Yes on Prop. 30, No on Prop 32, and Anthony Thigpenn; FPPC No. 15/123 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Reclaim California's Future – Yes on Prop. 30, No on Prop 32 was a state ballot measure committee supporting Proposition 30 and opposing Proposition 32 in the November 6, 2012 General Election. Anthony Thigpenn was the Committee's treasurer. The Committee and Thigpenn failed to timely disclose accrued expenses on one pre-election campaign statements covering the reporting periods of July 1, 2012 through October 20, 2012, in violation of Government Code Section 84211 (2 counts). **Total Proposed Penalty: \$645.**
- 26. In the Matter of Gary Yamauchi for City Council 2012, Gary Yamauchi, and Todd Sakamoto; FPPC No. 17/046 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Gary Yamauchi was a successful candidate for City Councilmember of Alhambra in the November 4, 2008 General Election. Gary Yamauchi for City Council 2012 was his candidate-controlled committee. Todd Sakamoto is the Committee's treasurer. The Committee, Yamauchi, and Sakamoto failed to report occupation and employer information for contributions

received during the reporting period of July 1, 2015 through December 31, 2015, in violation of Government Code Section 84211 (1 count). **Total Proposed Penalty: \$232.**

Statement of Economic Interests Non-Filer

- 27. In the Matter of Allison Scott, FPPC No. 15/1129 (Default Decision).** Staff: Commission Counsel Amanda Kelly and Staff Services Analyst Dominika Wojenska. Allison Scott, a Commissioner of the Archaeological Commission of Mendocino County, failed to timely file an Annual Statements of Economic Interests for the years of 2011 through 2014, in violation of Government Code Section 87300 (4 counts). **Total Proposed Penalty: \$12,000.**
- 28. In the Matter of John Anagnos; FPPC No. 15/1497 (Streamline Settlement).** Staff: Commission Counsel Amanda Kelly and Staff Services Analyst Dominika Wojenska. John Anagnos, a Commissioner of the Lodi Winegrape Commission Board, failed to file an Annual Statements of Economic Interests for the years of 2014 and 2015, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$2,000.**
- 29. In the Matter of Kanwarjit Bath; FPPC No. 15/125 (Streamline Settlement).** Staff: Commission Counsel Amanda Kelly and Assistant Special Investigator Roone Petersen. Kanwarjit Bath, a former Planning Commissioner of the Fresno County Planning Commission, failed to timely file an Annual Statements of Economic Interest for the years of 2011 through 2014, in violation of Government Code Section 87203 (4 counts). **Total Proposed Penalty: \$1,600.**
- 30. In the Matter of Ann Garbien; FPPC No. 15/083 (Streamline Settlement).** Staff: Commission Counsel Amanda Kelly. Ann Garbien, a former Legislative Director for the California State Assembly, failed to file a Leaving Office Statement of Economic Interests within 30 days of leaving her position in September of 2014 in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$300.**
- 31. In the Matter of Ryan Cantor; FPPC No. 16/057 (Streamline Settlement).** Staff: Commission Counsel Amanda Kelly. Ryan Cantor, a Trustee of the Fullerton Public Library, failed to timely file an Annual Statement of Economic Interests for 2014, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
- 32. In the Matter of David Argudo; FPPC No. 16/750 (Streamline Settlement).** Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. David Argudo, as a City Council Member with the City of La Puente, failed to timely file an Annual Statement of Economic Interests for the year of 2015, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**

33. In the Matter of Jake Rhodes; FPPC No. 16/20058 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Chloe Hackert. Jake Rhodes, a Board Member of the Domestic Violence Council with the County of Santa Clara, failed to timely file an Annual Statement of Economic Interests for 2015, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

34. In the Matter of Navdeep Kaur; FPPC No. 17/00009 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. Navdeep Kaur, as a Member for the Human Services Commission with the City of Livermore, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

Statement of Economic Interests Non-Reporter

35. In the Matter of Arne Olson; FPPC No. 16/20097 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. Arne Olson, City Council Member for the City of Pleasanton, failed to disclose stock investments on his on Assuming Office Statement of Economic Interests, in violation of Government Code Section 87206 (1 count). **Total Proposed Penalty: \$100.**

Annual Fees

36. In the Matter of Ili for City Council 2011, Ili for City Council 2015, and Willhans Ili; FPPC No. 15/662 (Default Decision). Staff: Commission Counsel Amanda Kelly. Willhans Ili was a successful candidate for South El Monte City Council on November 8, 2011 and an unsuccessful candidate for the same office in the November 3, 2015 General Election. Ili for City Council 2011, also known as Ili for City Council 2015, is his candidate-controlled committee. The Committee and Ili failed to pay the \$50 Annual Fees and late penalties to the Secretary of State's Office in 2013, 2014, and 2015 in violation of Government Code Section 84101.5 (3 counts). **Total Proposed Penalty: \$9,000.**

Commissioner Audero stated that she would like to modify the penalty amount similarly to item 9, capping the annual fee violation at \$200.

Chair Remke stated that if a \$200 cap is invoked, the Commission will need to review their handling of annual fee cases as it is not a good use of resources to pursue 4,200 cases as the collection agency for the Secretary of State.

Commissioner Hatch agreed that we seem to be acting like the collection agency for the Secretary of State's office and even collection agencies add fees. By adding a fee, there is

an incentive for respondents to cooperate. Commissioner Hatch stated that we should add on at least \$1,000 on top of the penalty under streamline program.

Commissioner Casher clarified his vote on item 9. He felt comfortable bringing the total amount of the fine down in that case, but it was not a definitive statement regarding the argument on \$50 fee cases.

Commissioner Audero made a motion to approve item 36 with a modified fine amount to \$200 per count, Commissioner Hayward seconded the motion.

Ayes: Commissioners Audero and Hayward.

Nayes: Commissioners Casher, Hatch, and Chair Remke.

The motion failed 2 to 3.

Commissioner Hatch made a motion to approve item 36 with a modified penalty of \$2,200 per count (\$6,600 total), Chair Remke seconded the motion.

Ayes: Commissioners Casher, Hatch, and Chair Remke.

Nayes: Commissioners Audero and Hayward.

The motion passed 3 to 2.

37. In the Matter of Barbara Parker for Oakland City Attorney 2012; Barbara J. Parker; and Savannah Ain Parker; FPPC No. 15/1351 (Streamline Settlement).

Staff: Chief of Enforcement Galena West and Staff Services Analyst Dominika Wojenska. Barbara J. Parker was a successful candidate for Oakland City Attorney in the November 6, 2012 General Election. Barbara Parker for Oakland City Attorney 2012 is her candidate-controlled committee. Savannah Ain Parker is the Committee's treasurer. The Committee, Parker, and Parker failed to timely pay the 2013, 2014, and 2016 \$50 Annual Fee to the Secretary of State's Office, in violation of Government Code Section 84101.5 (3 counts). **Total Proposed Penalty: \$600.**

38. In the Matter of Friends of Sheila Coonerty, SCCS Trustee, Area 1 2016; Sheila Coonerty; and Neil Coonerty, Treasurer; FPPC No. 15/2269 (Streamline Settlement).

Staff: Chief of Enforcement Galena West and Staff Services Analyst Dominika Wojenska. Sheila Coonerty was a successful candidate for Santa Cruz City Schools Board of Education in the November 6, 2012 General Election. Friends of Sheila Coonerty, SCCS Trustee, Area 1 2016 is her candidate-controlled committee. Neil Coonerty is the Committee's treasurer. The Committee, Coonerty, and Coonerty failed to timely pay the 2014 \$50 Annual Fee to the Secretary of State's Office, in violation of Government Code Section 84101.5 (1 count). **Total Proposed Penalty: \$200.**

39. In the Matter of Emile Mack for City Council 2013; FPPC No. 15/830 (Streamline Settlement). Staff: Chief of Enforcement Galena West and Staff Services Analyst Dominika Wojenska. Emile Mack was an unsuccessful candidate for Los Angeles City Council in the March 5, 2013 Special Election. Emile Mack for City Council 2013 is his candidate-controlled recipient committee. The Committee failed to timely pay the 2013 \$50 Annual Fee to the Secretary of State's Office, in violation of Government Code Section 84101.5 (1 count). **Total Proposed Penalty: \$200.**

General Item 40

40. Assignment of Hearing to Administrative Law Judge (ALJ): In the Matter of Douglas Hanson, Committee to Re-Elect Mayor Doug Hanson to Indian Wells City Council 2012, and M. Elena Hanson; FPPC Case Nos. 14/549 and 14/775. Staff: Executive Director Erin Peth, Chief of Enforcement Galena West, Senior Commission Counsel Neal Bucknell, Special Investigator Jay Martin, and Special Investigator Ann Flaherty. The Executive Director and the Chief of Enforcement are recommending that a hearing be conducted before an ALJ pursuant to Government Code section 11512, subdivision (a). The ALJ will make a recommendation to the Commission on the findings of fact, law and penalty, if applicable, in the matter. The Commission then will have the opportunity to review the proposed decision and make the final determination on the case. If the Commission agrees with this recommendation, no action is required.

No action was taken and the matter will be referred for assignment of hearing.

Executive Staff Reports Item 41

41. Executive Staff Reports.

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

Chair Remke thanked staff for their great job during the extremely busy time of the Form 700 filing deadline.

Commissioners Audero and Hatch thanked the staff for helping them file their own Form 700s.

The staff reports were submitted.

Adjourn

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

Ayes: Commissioners Casher, Hatch, Hayward, and Chair Remke.
The motion passed 5 to 0.

The meeting adjourned at 3:45pm.

Respectfully Submitted,
Sheva Tabatabaiejad
Commission Assistant
Approved April 24, 2017

Joann Remke, Chair
Fair Political Practices Commission