

**NOTICE AND AGENDA  
Commission Meeting<sup>1</sup>**

**428 J Street, Suite 800  
Sacramento, CA 95814**

**Thursday, December 8, 2011  
10:00 AM**

**Welcome and Introduction**

Ann Ravel, FPPC Chair

Resolution to commend former Commissioner, Tim Hodson

**PUBLIC COMMENT**

**1. Public Comment.**

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

**PROPOSED CONSENT CALENDAR Items 2 through 20**

*Note: November 10, 2011 Commission meeting minutes will be approved at the March 15<sup>th</sup>, 2012 meeting.*

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<sup>1</sup>You can obtain further information about the meeting by contacting the Commission Assistant, 428 J Street, Suite 620, Sacramento, CA, 95814, Tel. 916-322-5745. Written comments on agenda items should be submitted to the Commission no later than 12:00 p.m. the day before the meeting in order to afford the Commissioners adequate time to fully consider the comments. The fax number for comment letters is 916-322-6440.

The agenda and related documents are posted on the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov). Materials submitted by the public regarding each agenda item will be made available at the meeting and on the website.

Members of the public may listen to the meeting by phone by calling (888) 751-0624; access code is 723284.

The meeting location is accessible to the disabled. Persons who, due to a disability, need assistance in order to participate in this meeting should, prior to the meeting, contact the Commission Assistant at 916-322-5745 (voice), 916-322-6440 (facsimile) or in writing. TTY/TDD and Speech-to-Speech users may dial 7-1-1 for the California Relay Service to submit comments on an agenda item or to request special accommodations for persons with disabilities. Please allow a reasonable period of time between the request and the meeting date.

**Campaign:**

2. **In the Matter of Black Women Organized for Political Action State PAC, and Beryl Crumpton Potter, Treasurer, FPPC No. 10/957.** Staff: Commission Counsel Milad Dalju and Program Specialist Grant Beauchamp. Black Women Organized for Political Action State PAC and its treasurer Beryl Crumpton Potter, failed to report approximately \$13,409 in contributions received and approximately \$12,801 in expenditures made by the committee on their campaign statements for the January 1, 2010, through June 30, 2010, and the July 1, 2010, through December 31, 2010, reporting periods, in violation of Government Code Section 84211, subdivisions (a), (b), (c), (d), (e), (f), (i), (j) and (k) (1 count). **Total Proposed Penalty: \$2,500.**
  
3. **In the Matter of Beverly Seedborg and Voter Guide Slate Mail, FPPC No. 09/0209 (Default Decision).** Staff: Chief of Enforcement Gary Winuk and Program Specialist Grant Beauchamp. Respondents Voter Guide Slate Mail, a slate mailer organization, and Beverly Seedborg, treasurer of Respondent Voter Guide Slate Mail. During the semi-annual reporting period of October 19, 2008 through December 31, 2008, Respondents received \$111,286 and expended \$342,785 to produce slate mailers. In this matter, Respondents failed to file a semi-annual campaign statement by the February 2, 2009, due date, for the reporting period of October 19, 2008 through December 31, 2008, in violation of Government Code Section 84218, subdivision (a) (1 count). **Total Proposed Penalty: \$2,000.**
  
4. **In the Matter of Frank Jewett and Committee to Elect Frank Jewett 4 Campbell City Council, FPPC No. 11/150 (Default Decision).** Staff: Senior Commission Counsel Neal Bucknell, Political Reform Consultant Jeanette Turvill, Legal Analyst Tracey Frazier, and Law Clerk Bridgette Gallagher. Respondent Frank Jewett was a candidate for Campbell City Council in the election held November 2, 2010. Respondent Committee to Elect Frank Jewett 4 Campbell City Council was his controlled committee. In this matter, Respondents failed to timely file two pre-election campaign statements for the periods, failing to report \$3,435 in contributions and \$1,576 in expenditures for the reporting period

ending September 30, 2010 and October 16, 2010, in violation of Government Code section 84200.5 (2 counts). **Total Proposed Penalty: \$2,000.**

**Conflict of Interest:**

5. **In the Matter of David Cole, FPPC No. 06/1148 (Default Decision).** Staff: Senior Commission Counsel Angela Brereton and Special Investigator Leon Nurse-Williams. Respondent David Cole was a member of the Pinole City Council and also a board member of the Pinole Redevelopment Agency in Pinole, CA, from 2000 to 2007. Respondent Cole owned and operated Pinole Valley Landscape (PVL). PVL provided services to and received substantial income from The Kivelstadt Group (TKG), a real estate developer and property management company active in the City of Pinole. Respondent Cole, through PVL, earned \$253,353 from TKG from 2003 through 2006. On at least 16 occasions from 2003 – 2007, Respondent Cole made governmental decisions in which he had a material financial interest, by voting on matters before the Pinole Redevelopment Agency and the Pinole City Council involving TKG, which was a source of income to Respondent Cole, in violation of Government Code Section 87100 (16 counts); failed to disclose his income from and business position with PVL in his annual Statements of Economic Interests for 2003 – 2006, in violation of Government Code Sections 87207, subdivision (b) and 87209 (4 counts); and failed to disclose TKG as a source of income to him through PVL in his annual Statements of Economic Interests for 2003 – 2005, in violation of Government Code Section 87207, subdivision (b)(2) (3 counts). **Total Proposed Penalty: \$111,500.**

6. **In the Matter of Claudia Chandler, FPPC No. 10/806.** Staff: Chief of Enforcement Gary Winuk and Special Investigator Janet Seeley. Respondent Claudia Chandler (Respondent) was the Chief Deputy Director of the California Energy Commission (CEC). In this matter, Respondent impermissibly participated in two governmental decisions in which she had a financial interest. From April 2009 to July 2009 and from August 2010 to September 2010, Respondent participated in government decisions, the awarding of two contracts from the CEC to Cambria Solutions, a company in which she had a personal financial interest through her community property interest in her husband's

business, in violation of Government Code Section 87100 (2 Counts). **Total Proposed Penalty: \$6,000**

**Lobbying – Streamline:**

7. **In the Matter of Berkeley Patients Group, FPPC No. 11/746.** Staff: Chief of Enforcement Gary Winuk and Legal Analyst Tracey Frazier. Respondent Berkeley Patients Group, a registered California lobbyist employer, failed to timely file quarterly lobbyist employer reports for the October 1, 2010, through December 31, 2010, reporting period, due on January 31, 2011; the January 1, 2011, through March 31, 2011, reporting period, due by May 2, 2011; and the April 1, 2011, through June 30, 2011, reporting period, due by August 1, 2011, in violation of Government Code Section 86115 (3 counts). Respondent Berkeley Patients Group made \$24,000 in payments to lobbying firms during the reporting periods. **Total Proposed Penalty: \$600.**

**Statement of Economic Interests – Failure to File – Streamline:**

8. **In the Matter of Max Allstadt, FPPC No. 11/506.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Bridgette Gallagher. Respondent Max Allstadt, a City of Oakland Community Development Block Grants board member, failed to timely file a Statement of Economic Interests for the reporting period of January 1, 2009, through December 31, 2009, due April 1, 2010, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
9. **In the Matter of Christopher Baker, FPPC No. 10/892.** Staff: Commission Counsel Milad Dalju and Political Reform Consultant Adrienne Korchmaros. Respondent Christopher Baker, Fire Chief of the Mt. Shasta Fire District, failed to timely file a Statement of Economic Interests for the reporting period January 1, 2009, through December 31, 2009, by the April 1, 2010, due date, in violation Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**
10. **In the Matter of Thomas Biggs, FPPC No. 11/534.** Staff: Political Reform Consultant Teri Rindahl and Law Clerk Kyle Levy. Respondent Thomas Biggs, a City of Oakland Landmark Advisory board member, failed to file a Statement of Economic Interests for the reporting period January 1, 2009, through December

31, 2009, by the April 1, 2010 due date, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

11. **In the Matter of Thomas Bors, FPPC Case No. 11/870.** Staff: Political Reform Consultant Teri Rindahl. Respondent Thomas Bors, Dixon Regional Watershed JPA, failed to timely file a Statement of Economic Interests covering the period January 1, 2010, through December 31, 2010, due April 1, 2011, with the Technical Assistance Division, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
12. **In the Matter of Norman Brown, FPPC No. 11/695.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent Norman Brown, Battalion Chief for CalFIRE, Forestry and Fire Protection, failed to file a Statement of Economic Interests covering the reporting period of January 1, 2010, through December 31, 2010, by the April 1, 2011, due date with CalFIRE, Forestry and Fire Protection, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
13. **In the Matter of Chin Chin Cheng, FPPC No. 11/963.** Staff: Political Reform Consultant Jeanette E. Turvill. Respondent Chin Chin Cheng, Senior Programming Analyst for the County of Santa Clara, failed to file a Statement of Economic Interests for the reporting period of January 1, 2010, through December 31, 2010, due April 1, 2011, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
14. **In the Matter of Emilio Cruz, FPPC Case No. 11/869.** Staff: Political Reform Consultant Teri Rindahl. Respondent Emilio Cruz, Transbay Joint Powers Authority Consultant, failed to timely file a Statement of Economic Interests covering the period January 1, 2010, through December 31, 2010, due April 1, 2011, with the Technical Assistance Division, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**
15. **In the Matter of Carol Hatley, FPPC Case No. 11/868.** Staff: Political Reform Consultant Teri Rindahl. Respondent Carol Hatley, a State of California Housing Workers' Compensation Authority board member, failed to timely file a Statement of Economic Interests covering the reporting period January 1, 2010, through

December 31, 2010, by the April 1, 2011, due date, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

16. **In the Matter of Neil Struthers, FPPC No. 11/982.** Staff: Political Reform Consultant Jeanette Turvill. Respondent Neil Struthers, a Santa Clara County Workforce Investment board member, failed to timely file a Statement of Economic Interests for the reporting period of January 1, 2010, through December 31, 2010, by the April 1, 2011, due date, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
17. **In the Matter of Nicholas Travis, FPPC No. 11/937.** Staff: Political Reform Consultant Jeanette Turvill. Respondent Nicholas Travis, City of Sunnyvale Planning Commissioner, failed to timely file a Statement of Economic Interests for the reporting period of January 1, 2010, through December 31, 2010, by the April 1, 2011, due date, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**
18. **In the Matter of David Tripp, FPPC No. 11/839.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent David Tripp, a board member for the California Independent Living Council, failed to timely file a Statement of Economic Interests covering the reporting period January 1, 2010, through December 31, 2010, by the April 1, 2011, due date, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
19. **In the Matter of Troy Van Velson, FPPC No. 11/938.** Staff: Political Reform Consultant Jeanette E. Turvill. Respondent Troy Van Velson, City of Corcoran Planning Commissioner, failed to file a Statement of Economic Interests for the reporting period of January 1, 2010, through December 31, 2010, by the April 1, 2011, due date, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**
20. **In the Matter of Charles Wyatt, FPPC No. 11/846.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent Charles Wyatt, a board member for the California Mining and Geology Board, failed to timely file a Statement of Economic Interests covering the reporting period January 1, 2010, through December 31, 2010, due April 1, 2011, in violation of Government Code Section

87300 (1 count). **Total Proposed Penalty: \$200.**

**GENERAL ITEMS 21 through 27**

**Proposed Approval of Decision of Administrative Law Judge:**

21. **In the Matter of Shong-Ching Tong, FPPC No. 10/449.** Staff: Senior Commission Counsel Neal Bucknell, Special Investigator Paul Rasey, and Political Reform Consultant Jeanette Turvill. Respondent made independent expenditures in opposition to a candidate for Arcadia City Council in the election that was held on April 13, 2010. In so doing, he became an independent expenditure committee, but he failed to file: (i) a pre-election statement by the due date of April 1, 2010, in violation of Government Code Sections 84200.5, subdivision (g)(2), and 84200.8 (1 count); (ii) two supplemental independent expenditure reports by the due dates of April 1, 2010 and August 2, 2010, in violation of Government Code Section 84203.5 (2 counts); (iii) a late independent expenditure reports by the due date of April 7, 2010, in violation of Government Code Section 84204 (1 count); and (iv) a semi-annual statement by the due date of August 2, 2010, in violation of Government Code Section 84200, subdivision (b) (1 count). Also, on or about April 6, 2010, Respondent sent a mass mailing (in opposition to the candidate mentioned above) without displaying the name, address, and city of the sender on the outside of each piece of mail, in violation of Government Code Section 84305, subdivisions (a) and (b) (1 count). **Following a hearing in Los Angeles, Administrative Law Judge Eric Sawyer issued a proposed decision imposing an administrative penalty in the amount of \$5,250.**

**Regulations:**

22. **Adoption of Amendments to Regulations, 18942, 18942.1, 18942.3, 18946.2, 18946.4, and 18946.6.** Staff: Senior Commission Counsel William J. Lenkeit and General Counsel Zackery P. Morazzini. At the November meeting, staff proposed to revise and update the gift regulations for overall consistency and clarity, and to codify exceptions previously provided in Commission opinions and staff advice letters for "acts of neighborliness," and "bona-fide dating relationships." New exceptions for "acts of human compassion" and "long term friendships" were also proposed. The packet was adopted by the Commission, except for six items that

were carried forward and are currently set for further discussion by the Commission in December.

23. **Adoption of Regulation 18412; Amendment of Regulations 18413 and 18215.** Staff: Senior Commission Counsel Lawrence T. Woodlock and General Counsel Zackery P. Morazzini. Staff proposes adoption of a new Regulation 18412 to provide clear accounting rules for identifying donations to multi-purpose groups that would be classified as “contributions” under the Act’s “one bite of the apple” provision at Regulation 18215(b)(1). Staff also proposes related amendments to Regulations 18413 and 18215.
24. **Amendment of Regulations 18423, 18539 and 18550 – Payments for Personal Services and Online Disclosure of Contributions and Independent Expenditures.** Staff: Senior Commission Counsel Hyla Wagner and General Counsel Zackery P. Morazzini. Minor amendments to these regulations will codify current FPPC staff advice. The amendment to Regulation 18423 clarifies the date that an in-kind contribution of the services of salaried personnel to a committee is considered to be made as the *payroll date*. Amendments to Regulations 18539 and 18550 clarify that the term “election cycle” in Section 85204 applicable to the 90-day reports filed under Sections 85309 and 85500 means 90 days before a *state election* in which the candidate or measure, in connection with which the contribution or independent expenditure was made, is on the ballot.
25. **Repeal and Readoption of Regulation 18247.5; Adoption of Regulation 18227.5 – Primarily Formed and General Purpose Committees.** Staff: Senior Commission Counsel Hyla Wagner and General Counsel Zackery P. Morazzini. Staff proposes repealing the existing regulation concerning primarily formed and general purpose committees and adopting two separate regulations. The new regulations simplify the determination of when a committee is a primarily formed or general purpose committee and whether it is a city, county or state committee
26. **Adoption of Proposed Regulation 18404.2 – Administrative Committee Termination.** Staff: Commission Counsel Brian G. Lau and General Counsel Zackery P. Morazzini. Staff proposes Regulation 18404.2 establishing a procedure for the administrative termination of recipient campaign committee if



the committee has (1) not filed a campaign statement in the previous twelve months, (2) last reported a cash balance of \$3,000 or less, (3) been provided notice of the proposed termination, and (4) failed to object to the termination.

27. **Approval of Statement of Economic Interests Forms and Instructions for 2011/12.** Staff: Lynda Cassady, Chief, Technical Assistance Division. Staff requests approval of the 2011/12 Statement of Economic Interests (Form 700) and Form 700 Reference Pamphlet; Statement of Economic Interests for Auditors, Claims Managers/Adjusters (Form 700-A); and the Statement of Economic Interests for Principal Investigators (Form 700-U).

**STAFF REPORTS – Items 28 through 33**

28. **Legislative Report.** Staff: Legislative Coordinator, Tara Stock
29. **Litigation Report.** Staff: General Counsel, Zackery P. Morazzini
30. **Legal Division.** Staff: General Counsel, Zackery P. Morazzini
31. **Enforcement Division.** Staff: Chief of Enforcement, Gary Winuk
32. **Technical Assistance Division.** Staff: Chief of T.A.D., Lynda Cassady
33. **Administration Division.** Staff: Chief of Administration, Tina Bass

**CLOSED SESSION – Item 34**

34. **Pending Litigation (Gov. Code §11126(e)(1)).**  
Deliberation upon ALJ's Proposed Decision, In the Matter of Shong-Ching Tong,  
FPPC No. 10/449, OAH No.2011030835

***Next Commission meeting is scheduled for March 15, 2012 at 10:00 AM, 428 J Street, 8<sup>th</sup> Floor, Sacramento, CA 95814.***

