



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

**California Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814**

**Thursday, February 20, 2014  
10:00 A.M.**

According to (Gov. Code Section 11123) (a) all meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article. The Section further states that the portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

Vice Chair Eskovitz will attend this meeting of the Commission via teleconference from 355 South Grand Avenue, Los Angeles, CA 90071. Commissioner Wasserman will attend this meeting of the Commission via teleconference from 1230 Crenshaw Blvd, Suite 103, Torrance, CA 90501.

Agendas will be posted at the teleconference location and the teleconference location will conduct the meetings in a manner that protects the rights of any party or member of the public appearing before the state body (Commission).

**WELCOME**

Sean Eskovitz, FPPC Vice Chair

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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 723284; or watch the meeting via Webinar at [meeting via YouTube](#).

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.

## **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 – 37**

### **2. Approval of January 2014 Commission Meeting Minutes.**

## **ENFORCEMENT MATTERS**

### **Lobbyist Gifts and Contributions**

**3. In the Matter of Kevin Sloat and Sloat Higgins Jensen & Associates; FPPC No. 13/1201.** Staff: Senior Commission Counsel Dave Bainbridge and Special Investigator Simon Russell. Respondent, Kevin Sloat is a registered lobbyist and the principal officer for Respondent lobbying firm, Sloat Higgins Jensen & Associates. Respondent Sloat hosted campaign fundraisers for state elective officers and candidates at his house where he provided items such as beverages, flower arrangements, and cigars that constituted non-monetary contributions to the campaign committees of the elective officers and candidates who benefitted from the fundraisers in violation of Government Code Section 85702 (26 counts). Further, Respondents Sloat and Sloat Higgins Jensen & Associates arranged for the making of gifts to two state legislators and a legislative official that exceeded the applicable gift limit in violation of Government Code Section 86203 (3 counts). Also, Respondents Sloat and Sloat Higgins Jensen & Associates made a gift to a state legislator that exceeded the applicable gift limit in violation of Government Code Section 86203 (1 count). **Total Proposed Penalty: \$133,500.**

### **Conflict of Interest**

**4. In the Matter of Shaun Coyne; FPPC No. 12/768. (Default Decision)** Staff: Senior Commission Counsel Dave Bainbridge and Special Investigator Paul Rasey. Respondent, Shaun Coyne, while employed as the Chief Information Officer for State Compensation Insurance Fund, failed to timely report gifts of \$50 or more on his 2011 SEI in violation of Government Code section 87300 (1 count), received gifts from a single source that exceeded the applicable gift limit in violation of Government Code section 89503, subdivision (c) (1 count), and participated in making governmental decisions in which he knew or had reason to know he had a financial interest in violation of Government Code section 87100 (1 count). **Total Proposed Penalty: \$7,000.**

### **Campaign Reporting**

**5. In the Matter of Joe Yee, Friends of Joe Yee for City Council 2012, and Lynda Otto; FPPC No. 12/820.** Staff: Senior Commission Counsel Dave Bainbridge and Special Investigator Simon Russell. Respondent, Joe Yee, ran for a seat on the Sacramento City Council in 2012. Respondent, Joe Yee for City Council 2012, was his campaign committee and Respondent, Lynda Otto, was the Treasurer for the committee. Respondents failed to timely disclose four in kind contributions over two campaign statement periods in violation of Government Code section 84211, subdivisions (a), (c) and (f) (2 counts) and failed to timely disclose the occupation and employer information of contributors for 60 contributions made over two campaign statement periods in violation of Government Code section 84211, subdivision (f) (2 counts). **Total Proposed Penalty: \$7,000.**

**6. In the Matter of Ronald Smith and Friends of Ron Smith; FPPC No. 13/208.** Staff: Commission Counsel Adam Silver and Political Reform Consultant Teri Rindahl. Respondent, Ronald Smith, a current member of the West Basin Municipal Water District Board, and his candidate controlled committee, Friends of Ron Smith, failed to file a semi-annual campaign statement covering the period July 1, 2012, through December 31, 2012, due January 31, 2013, in violation of Government Code Section 84200, subdivision (a) (1 count). Respondents have a history of failing to timely file semi-annual statements. **Total Proposed Penalty: \$2,000.**

**7. In the Matter of Elvia M. Rivas; FPPC No. 13/1332.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent, Elvia M. Rivas, as an elected Member of the San Bernardino County Ontario–Montclair School Board, failed to timely file the short form campaign statements required to be filed by candidates who have no open committee. These statements cover the periods of calendar years 2011, 2012, and 2013 and are required to be filed with the San Bernardino County Elections Office. The failure to file these statements is in violation of Government Code Section 84206 (3 counts). **Total Proposed**

**Penalty: \$600.**

**8. In the Matter of Linda Gonzalez, Candidate and Treasurer, and Linda Gonzalez for West Valley Water District 2013; FPPC No. 13/1257.** Staff: Political Reform Consultant Teri Rindahl. Respondents, Linda Gonzalez, Candidate and Treasurer; and Linda Gonzalez for West Valley Water District 2013, failed to timely file two campaign statements covering the periods January 1, 2013, through September 21, 2013, due September 26, 2013, and September 22, 2013, through October 19, 2013, due October 24, 2013, with the County of San Bernardino Registrar of Voters in violation of Government Code Section 84200.5 (2 counts). **Total Proposed Penalty: \$400.**

**9. In the Matter of Council of Professional Organizations of Firefighters of Santa Clara County PAC and James Buessing; FPPC No. 13/ 1248.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents, Council of Professional Organizations of Firefighters of Santa Clara County PAC and Treasurer, James Buessing, failed to timely file the campaign statement covering the period January 1, 2013, through June 30, 2013, due July 31, 2013, with the County of Santa Clara in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$400.**

**10. In the Matter of Re-Elect Barbara Willibrand for High School Board 2013; Barbara Willibrand; Karen Neal; FPPC No. 13/1335.** Staff: Political Reform Consultant Jeanette Turvill. Respondents, Re-Elect Barbara Willibrand for High School Board 2013; Barbara Willibrand; and her Treasurer, Karen Neal, failed to timely file the campaign statement covering the period September 22, 2013, through October 19, 2013, due October 24, 2013, with the County of Los Angeles Clerk-Recorder in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$200.**

### **Lobbying Reporting**

**11. In the Matter of Heineken USA; FPPC No. 13/823.** Staff: Legal Analyst Tracey Frazier and Law Clerk Liz Smutz. Heineken USA, a California lobbyist employer, failed to timely file four Reports of Lobbyist Employer (Form 635) between October 1, 2011, and December 31, 2012, disclosing total payments paid for lobbying services in the amount of \$49,000, in violation of Government Code Sections 86115, 86116, 86117, and 84605 (4 counts). **Total Proposed Penalty: \$4,000.**

## **Late Contribution Reporting**

**12. In the Matter of Supporters for a Better San Clemente, and Jeanne O’Grady; FPPC No. 10/1048.** Staff: Commission Counsel Milad Dalju and Special Investigator Annaraine Diaz. Respondent, Supporters for a Better San Clemente, a city general purpose committee, and its Treasurer, Respondent Jeanne O’Grady, failed to report to the San Clemente City Clerk within 24 hours, a late contribution of \$2,111 that Respondent Committee made to a candidate-controlled committee on October 21, 2010, in violation of Government Code section 84203 (1 count). **Total Proposed Penalty: \$2,500.**

## **Major Donor**

**13. In the Matter of John Peck, Jr.; FPPC No. 13/1333.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, John Peck, Jr., Peck Enterprises, failed to timely file Form 461 Major Donor Committee Campaign Statement for 2013 in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$400.**

## **Statement of Economic Interests – Non-Reporting**

**14. In the Matter of Kevin Johnson; FPPC No. 13/871.** Staff: Senior Commission Counsel Bridgette Castillo and Special Investigator Paul Rasey. Respondent, Kevin Johnson (“Respondent”), has been the Mayor of Sacramento from November 2008 until the present. As such, Respondent was required to file an Annual Statement of Economic Interests (“SEI”) disclosing all income and gifts received as required by the Political Reform Act. In this matter, Respondent received gifts of travel that exceeded the reporting threshold of \$50 in 2012, and failed to properly report the source of these gifts of travel on his 2012 Annual SEI, in violation of Government Code section 87203 (1 Count). **Total Proposed Penalty: \$1,000.**

## **Statement of Economic Interests – Non-Filer**

**15. In the Matter of Travis Svensson; FPPC No. 13/1197.** Staff: Commission Counsel Milad Dalju and Political Reform Consultant Adrienne Korchmaros. In this matter, Respondent, Travis Svensson, a member of the Department of Consumer Affairs Board of Registered Nurses Diversion Evaluation Committee since July 25, 2012, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$1,000.**

**16. In the Matter of Jennifer LeSar; FPPC No. 13/807.** Staff: Legal Analyst Tracey Frazier and Law Clerk Selena Farnesi. Respondent, Jennifer LeSar, as a consultant to the San Bernardino County Housing Authority, failed to timely file her 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**17. In the Matter of James Min; FPPC No. 13/1013.** Staff: Political Reform Consultant Teri Rindahl. Respondent, James Min, Bright Star Secondary Academy Board Member, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**18. In the Matter of Robert McVicker; FPPC No. 13/1311.** Staff: Political Reform Consultant Teri Rindahl. Respondent, Robert McVicker, Wells Standards Advisory Board Member, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**19. In the Matter of Kimberly Tran; FPPC File No. 13/1335.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Kimberly Tran, as a Pharmacist for the California Correctional Health Care Services, failed to timely file her 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**20. In the Matter of Camilo S. Guiang; FPPC File No. 13/1374.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Camilo S. Guiang, as a Physician for the California Correctional Health Care Services, failed to timely file her 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**21. In the Matter of Zahed U. Ahmed; FPPC File No. 13/1369.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Zahed U. Ahmed, as a Physician for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**22. In the Matter of Mabrook Shehata; FPPC File No. 13/1355.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Mabrook Shehata, as a Physician for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**23. In the Matter of Chancelor Daniel; FPPC File No. 13/1371.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Chancelor Daniel, as a Physician for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**24. In the Matter of David C. Bonnheim; FPPC File No. 13/1376.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, David C. Bonnheim, as a Physician for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**25. In the Matter of Kulbir Pummay; FPPC File No. 13/1352.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Kulbir Pummay, as a Health Services Administrator for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**26. In the Matter of Richard S. Kornbluth; FPPC File No. 13/1358.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Richard S. Kornbluth, as a Physician for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**27. In the Matter of Kenneth R. Erlenbusch; FPPC File No. 13/1378.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Kenneth R. Erlenbusch, as a Pharmacist for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total**

**Proposed Penalty: \$200.**

**28. In the Matter of William T. Savage; FPPC File No. 13/1343.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, William T. Savage, III, as a Physician for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**29. In the Matter of Gina L. Casian; FPPC File No. 13/1380.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Gina L. Casian, as a Physician for the California Correctional Health Care Services, failed to timely file her 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**30. In the Matter of Robert G. Scharffenberg; FPPC File No. 13/1351.** Staff: Political Reform Consultant Jeanette Turvill. Respondent, Robert G. Scharffenberg, as a Physician for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**31. In the Matter of John Carroll; FPPC No. 14/010.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent, John Carroll, as a Board Member for the City of Fullerton Transportation and Circulation Committee, failed to timely file the 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**32. In the Matter of Julie Kellner; FPPC No. 13/985.** Staff: Political Reform Consultant Teri Rindahl. Respondent, Julie Kellner, ICEF Public Schools Board Member, failed to timely file her 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**



**33. In the Matter of Richard Riordan; FPPC No. 13/987.** Staff: Political Reform Consultant Teri Rindahl. Respondent, Richard Riordan, ICEF Public Schools Board Member, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

#### **Proactive Non-Reporting Gift Cases**

**34. In the Matter of Deborah LeBlanc; FPPC No. 13/607.** Staff: Political Reform Consultant Teri Rindahl. In this matter, Respondent, Deborah LeBlanc, as a Compton Community College District Board Member, failed to timely disclose gift(s) of: one meal valued at \$180.00 on her 2011 Statement of Economic Interests. All gifts were from E.J. De La Rosa & Co., Inc. and all omissions were in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

**35. In the Matter of William McGee; FPPC No. 13/713.** Staff: Legal Analyst Tracey Frazier and Law Clerk Rob Binning. In this matter, Respondent, William McGee, as the Vice President of the Hayward Unified School District Board of Education, failed to timely disclose gift(s) of: two meals totaling \$153.87 on his 2011 Statement of Economic Interests. All gifts were from E.J. De La Rosa & Co., Inc. and all omissions were in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

#### **Informational Item – Disgorgement of Contribution – No Action Required**

**36. In the Matter of Americans for Responsible Leadership and Center to Protect Patients Rights; FPPC No. 12/784.** Staff: Chief of Enforcement Gary Winuk and Program Specialist Bob Perna. On October 17, 2013, the Fair Political Practices Commission (“Commission”), in closed session, approved a civil settlement for the FPPC case Americans for Responsible Leadership (ARL) and Center to Protect Patient’s Rights (CPPR), imposing a penalty in the amount of \$1,000,000 for two counts (only one count applicable to ARL) of making a contribution in the name of another to the Small Business Action Committee (SBAC) and to the California Future Fund (CFF). Following the Commission’s approval, the Enforcement Division contacted SBAC and CFF and requested that they disgorge the contributions received, to the General Fund of the State of California, pursuant to Government Code section 85701. On January 24, 2014, the Enforcement Division entered into stipulated civil judgments, with SBAC and CFF for full payment of the required disgorgement. Additionally, the FPPC received a payment of \$300,000 from SBAC towards their obligation. As required by law, the funds will be turned over to the General Fund of the State of California in connection with this matter.

**37. In the Matter of Tim Do AKA Thinh Thien Do, Individually, and DBA Catering Food Supply; FPPC No. 10/740.** Staff: Senior Commission Counsel Neal Bucknell and Special Investigator Beatrice Moore. On November 14, 2013, the Commission approved a Stipulation, Decision and Order in this case, which imposed a penalty in the amount of \$5,000 for one count of laundering money into the campaign account of Sacramento City Councilman Kevin McCarty, who was seeking election to the California State Assembly, 9th District, in 2009 and 2010. Thereafter, the Enforcement Division communicated with Councilman McCarty regarding his duty to return the laundered funds, totaling \$5,000, to the State of California pursuant to Government Code section 85701. On January 23, 2014, the Enforcement Division received full payment in this regard. As required by law, the disgorgement payment will be turned over to the General Fund of the State of California in connection with the complete resolution of this matter.

#### **EXECUTIVE STAFF REPORTS ITEM 38**

**Legislative Report.** Staff: Senior Commission Counsel and Legislative Coordinator, Sukhi Brar

**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

#### **CLOSED SESSION ITEM 39-40**

**Pending Litigation (Gov. Code § 11126(e)(1)).** Deliberation upon:

**39. In the Matter of Encinitas Project – Committee For Proposition A; Susan Turney; and Oliver Canler, FPPC No. 13/1031.**

**40. In the Matter of EncinitasElections.Com and Jim Kydd, FPPC No. 14/100.**