



**NOTICE AND AGENDA
Commission Meeting¹**

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

**Thursday, March 19, 2015
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.

WELCOME

Jodi Remke, FPPC Chair

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.

¹You 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. 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 (877) 411-9748; 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.

2. **Approval of February 2015 Commission Meeting Minutes.**
[February Minutes](#)

PROPOSED CONSENT CALENDAR ITEMS 3 – 13

ENFORCEMENT MATTERS

Personal Use of Campaign Funds

3. **In the Matter of Kenneth G. Mann; FPPC No. 14/596.** Staff: Commission Counsel Zachary W. Norton and Program Specialist Luz Bonetti. This matter arose out of an audit performed by the Political Reform Audit Program of the Franchise Tax Board. Kenneth G. Mann was a Lancaster City Council member and a successful candidate for reelection to that office on April 10, 2012. Re-elect Mann for City Council 2012 was his candidate controlled committee. In this matter, Mann caused the committee to make an expenditure of campaign funds, totaling \$5,000, which conferred a substantial personal benefit on Respondent Mann, for purposes not directly related to a political, legislative, or governmental purpose, in violation of Government Code Section 89512 (1 count). **Total Proposed Penalty: \$3,500.**

[Mann - Stip and Exh](#)

Campaign Reporting

4. **In the Matter of Doreen Farr, Re-Elect Doreen Farr Supervisor 2012, and Susan Bott, Treasurer; FPPC No. 14/852.** Staff: Commission Counsel Milad Dalju and Program Specialist Grant Beauchamp. This matter arose out of an audit performed by the Political Reform Audit Program of the Franchise Tax Board. Doreen Farr, her candidate-controlled committee, Re-Elect Doreen Farr Supervisor 2012, and its treasurer, Susan Bott, failed to timely report payments of \$500 or more, totaling \$149,318.25, made on the committee's behalf by its agents and independent contractors during the January 1 through March 17, 2012, and March 18 through May 19, 2012, reporting periods, in violation of Government Code Sections 84200.5, 84211, subdivision (k), and 84303 (1 count). **Total Proposed Penalty: \$2,500.**

[Farr - Stip and Exh](#)

5. **In the Matter of California Association of Licensed Repossessors PAC and Marcelle Egley, Treasurer; FPPC No. 14/1386.** Staff: Political Reform Consultant Adrienne Korchmaros. California Association of Licensed Repossessors PAC, and Marcelle Egley as treasurer, failed to timely file the semi-annual statement, Form 460, covering the period July 1, 2013 through December 31, 2013, due January 31, 2014,

with the Office of the Secretary of State, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

[CA Association of Licensed Repossessors PAC- Stip](#)

6. In the Matter of Committee to Defeat Prop 23, Sponsored by Environment California, and Bernadette Del Chiaro, Treasurer; FPPC No. 14/599. Staff: Senior Commission Counsel Neal Bucknell and Program Specialist Grant Beauchamp. This matter arose out of an audit performed by the Political Reform Audit Program of the Franchise Tax Board. Committee to Defeat Prop 23, Sponsored by Environment California and Bernadette Del Chiaro as treasurer failed to report receipt of a contribution in the amount of \$100,000 from the Sierra Club California No on Prop 23 Committee on a pre-election campaign statement that was filed for the reporting period ending October 16, 2010, in violation of Government Code Sections 84200 and 84211 (1 count). **Total Proposed Penalty: \$200.**

[Committee to Defeat Prop 23 - Stip](#)

Major Donor Reporting

7. In the Matter of Calvary Chapel Chino Hills; FPPC No. 15/066. Staff: Political Reform Consultant Jeanette Turvill. Calvary Chapel Chino Hills failed to timely file a Major Donor Report (Form 461) disclosing one contribution covering the period January 1, 2013, through December 31, 2013, due on January 31, 2014, with the Office of the Secretary of State, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$400.**

[Calvary Chapel Chino Hills - Stip](#)

Late Contribution Reporting

8. In the Matter of the Mark Carnevale for Cathedral City Council 2014, Mark Carnevale, Walter D. McLaughlin, Treasurer; FPPC No. 14/1280. Staff: Political Reform Consultant Jeanette E. Turvill. Mark Carnevale for Cathedral City Council 2014, Mark Carnevale, and Walter D. McLaughlin as treasurer received three contributions totaling \$5,563 during the 90 days before the November 4, 2014 election and failed to file three 24 hour contribution reports, in violation of Government Code Section 84203 (3 counts). **Total Proposed Penalty: \$834.**

[Carnevale - Stip](#)

9. In the Matter of the Committee to Elect Shelley Kaplan to City Council 2014 and Shelley Kaplan; FPPC No. 14/1279. Staff: Political Reform Consultant Jeanette E. Turvill. Committee to Elect Shelley Kaplan to City Council 2014 and Shelley Kaplan

received four contributions totaling \$4,500 during the 90 days before the November 4, 2014 election and failed to file four 24 hour contribution reports, in violation of Government Code Section 84203 (4 counts). **Total Proposed Penalty: \$675.**

[Kaplan - Stip](#)

Statement of Economic Interests – Non-Filer

10. In the Matter of Andrew Green; FPPC No. 15/030. Staff: Political Reform Consultant Jeanette E. Turvill. Andrew Green, as a member of the California Arts Council, failed to timely file a 2013 Annual Statement of Economic Interests, covering the period January 1, 2013, through December 31, 2013, due on April 1, 2014, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$300.**

[Green - Stip](#)

11. In the Matter of Cydney Bensimon; FPPC No. 15/016. Staff: Political Reform Consultant Teri Rindahl. Cydney Bensimon, as a Hearing Officer with the City of Los Angeles, failed to timely file a 2013 Annual Statement of Economic Interests, covering the period January 1, 2013, through December 31, 2013, due on April 1, 2014, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

[Bensimon - Stip](#)

12. In the Matter of Isis Spinola-Schwartz; FPPC No. 14/1379. Staff: Political Reform Consultant Adrienne Korchmaros. Isis Spinola-Schwartz, as a Board Member on the Marin County Strawberry Design Review Board, failed to timely file a 2013 Annual Statement of Economic Interests, covering the period January 1, 2013, through December 31, 2013, due on April 1, 2014, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

[Spinola-Schwartz - Stip](#)

Pro-Active Gift Non-Reporting

13. In the Matter of Brenda Saavedra; FPPC No. 14/1012. Staff: Commission Counsel Bridgette Castillo, Legal Analyst Tracey Frazier, Law Clerk Elizabeth Smutz, and Law Clerk Robert Nash. Brenda Saavedra, as a Trustee for the Delhi Unified School District, failed to timely disclose gifts of two meals valued at \$157.64 on her 2010 Statement of Economic Interests from Stone and Youngberg LLC, in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

[Saavedra - Stip](#)

GENERAL ITEM 14 – 15

14. Approval of FPPC Campaign Manuals for Local Candidates and Ballot Measure Committees. Staff: Lynda Cassady, Division Chief, Technical Assistance

[Memo for Approval of Manuals and Form 460](#)

[Manual 2 February 2015 DRAFT](#)

[Manual 2 Chapter 8 Form 460 Example](#)

[Manual 3 February 2015 DRAFT](#)

15. In the Matter of Frank J. Burgess; OAH No. 2014060674; FPPC No. 12/516.

Staff: Senior Commission Counsel Angela J. Brereton, Commission Counsel Adam E. Silver, and Special Investigator Lee Myers. Respondent Frank J. Burgess was a member of the Board of Directors for San Geronio Memorial Healthcare District from June 6, 2009 through December 3, 2010. In such capacity, Burgess was also a member of the Board of Directors for San Geronio Memorial Hospital, located in the city of Banning in Riverside County, CA. Burgess has been charged with violating the Act's conflict of interest provisions by attempting to use his official position to influence a governmental decision when he gave a packet of informative materials to his fellow Hospital Board Members before they voted on whether to approve an agreement with a competing company and discontinue storing documents with Burgess northAmerican, a business entity in which Burgess held an economic interest under the Act. This case was heard before Administrative Law Judge H. Stuart Waxman of the Los Angeles Office of Administrative Hearings on December 8 and 9, 2014. Following the hearing, ALJ Waxman issued a proposed decision in which he found one conflict of interest violation of the Political Reform Act. **Judge Waxman's proposed decision imposed the maximum administrative penalty against Burgess in the amount of \$5,000.**

[Opening Brief](#)

[Proposed Decisions](#)

[Respondent's Opposition Brief](#)

[Enforcement Response to Burgess](#)

CLOSED SESSION ITEM 16

16. Pending Litigation (Gov. Code § 11126(e)(1)). Deliberation upon:
Administrative Hearing: In the Matter of Frank J. Burgess (FPPC No. 12/516).

EXECUTIVE STAFF REPORTS and ACTION ITEM 17

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

The Commission is asked to adopt a support position on Assembly Bill 594.

[Legislative Report](#)

Litigation Report. Staff: Assistant General Counsel, John W. Wallace

[Lit Report](#)

Legal Division Report. Staff: Assistant General Counsel, John W. Wallace

[Legal Div Rpt](#)

Enforcement Division Report. Staff: Acting Chief of Enforcement, Galena West

[Enforcement Division Report](#)

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

[TAD Division Report](#)