



CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
MINUTES OF HEARING, Public Session
Thursday, January 19, 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 January 19, 2017, at the Fair Political Practices Commission, 428 J Street, Sacramento, CA 95814. Chair Remke and Commissioners Audero, Casher, Wasserman, and Wynne were present.

Welcome

Jodi Remke, FPPC Chair

Public Comment

1. Public Comment.

Gail Jackson, Secretary of State's Office, announced that there will be two public meetings on the Cal-Access Replacement System:

February 3 – 10:30am - 12:00pm
Ronald Regan Building
Auditorium
300 S Spring Street
Los Angeles, CA 90013

February 9 – 10:30am - 12:00pm
Secretary of State
Auditorium
1500 11th Street
Sacramento, CA 95814

Approval of Commission Minutes

2. Approval of December 2016 Commission Hearing Minutes.

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

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

CONSENT CALENDAR ITEMS 3-29

Items 5 and 26 were pulled at the request of Commissioner Audero. Commissioner Audero stated that she must recuse herself because the respondents in both matters are clients of her firm. According to recusal section 87105, she cannot be counted towards achieving the quorum on these items. If these items are to be discussed then she will leave the room.

Items 3 and 4 were pulled from consent to discuss at the request of Commissioner Wasserman.

Commissioner Wynne made a motion to approve items 6-25 and 27-29, Commissioner Casher seconded the motion.

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

Consent Calendar 3 – 29

Personal Use of Campaign Funds

- 3. In the Matter of Mark Peterson; FPPC No. 16/007.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Program Specialist Grant Beauchamp. Mark Peterson, the District Attorney for the County of Contra Costa, made personal expenditures with campaign funds totaling \$66,372.03 in value, in violation of Government Code Section 89512 (9 counts). **Total Proposed Penalty: \$45,000.**

Commissioner Wasserman stated that he would prefer if the fine amount were increased given the status of the respondent and the egregiousness of the violation.

Chief of Enforcement Galena West said that focus should not be on the penalty amount alone, but the total out-of-pocket. The total out-of-pocket for Peterson is \$111,000 including the \$66,000 in reimbursement. Reimbursement is considered as a factor because it serves as an incentive for violators to reimburse their campaigns and not profit from their violation.

Commissioner Audero stated that the amount taken from Peterson's campaign was never his to begin with so it should not be given weight. She is worried about the consistency throughout matters.

Commissioner Wynne stated she supports the settlement and that any policy discussion regarding reimbursement versus the fine amount should be had at a later date after notice.

Commissioner Casher stated that he supports the proposed penalty and staff's ability to have flexibility in settling cases. He stated that he does not see previous cases as precedent, but instead as comparables. They serve as guidance but should not determine what the next case should be.

Chair Remke stated that a policy of not agreeing to settlements unless all money is paid back in full is problematic because it is not currently mandated under the law, it ties the hands of resolving some cases, and could delay settling cases.

Commissioner Wasserman made a motion to not approve item 3 and direct staff to increase the fine amount, Commissioner Audero seconded the motion.

Ayes: Commissioners Audero, and Wasserman.

Nays: Commissioners Casher, Wynne, and Chair Remke.

The motion failed 2 to 3.

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

Ayes: Commissioners Casher, Wynne, and Chair Remke.

Nays: Commissioners Audero and Wasserman.

The motion passed 3 to 2.

Campaign Reporting

- 4. In the Matter of Michael Horner; FPPC No. 15/1275 (Default Decision).** Staff: Senior Commission Counsel Angela Brereton and Special Investigator Paul Rasey. Michael Horner qualified as an independent expenditure committee in October 2014 when he paid for a mass mailing opposing a candidate for Lake County Board of Supervisors in the November 4, 2014 General Election. Horner did not identify himself as the sender of the mass mailing, using a fictitious committee name instead. Further concealing the activity, Horner did not file any of the required campaign statements and paid for the mass mailing in cash. Horner failed to timely file two semiannual campaign statements covering the period of January 1, 2014 through December 31, 2014, in violation of Government Code Section 84200, subdivision (b) (1 count); failed to timely file a late independent expenditure report within 24 hours of making the expenditure, disclosing expenditures totaling \$1,000 or more made within 90 days before the date of the election,

in violation of Government Code Section 84204 (1 count); failed to timely file an independent expenditure verification form with the Commission by email within 10 days after the date of his first independent expenditure, in violation of Government Code Section 84213 (1 count); made cash expenditures of \$100 or more, totaling approximately \$1,392, in violation of Government Code Section 84300, subdivision (b) (1 count); and paid for and caused to be sent a mass mailing expressly advocating the defeat of a candidate which failed to display required sender identification, in violation of Government Code Section 84305, subdivision (a) (1 count). **Total Proposed Penalty: \$25,000.**

Commissioner Wynne asked about Mr. Horner's cooperation throughout the process. Commissioner Wynne stated that she would have more sympathy for Mr. Horner had there been more cooperation on his part.

Chief West stated that he participated minimally in the beginning when he was first contacted in June 2015, but then stopped. Mr. Horner refused to file the statements to cooperate. He only started to reengage once he received notice of the default.

Commissioner Wasserman stated that he would prefer to hold off on this matter to see if a settlement could be reached with a lower penalty amount.

Commissioner Audero stated that she sees other mitigating factors for this particular matter and that further settlement negotiations should occur.

Commissioner Casher stated that he received proper notice and personal service that gave him ample time to participate in the process, but yet he failed to participate or cooperate.

Commissioner Wasserman made a motion to hold over item 4 to the next meeting, Commissioner Audero seconded the motion.

Ayes: Commissioners Audero, Wasserman, and Wynne.

Nays: Commissioners Casher and Chair Remke.

The motion passed 3 to 2. The default motion remains pending, and if no settlement is reached, the motion will be placed back on the agenda.

Lobbying Reporting

- 5. In the Matter of eBay, Inc.; FPPC No. 15/1630.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Commission Counsel Amanda Kelly. eBay, Inc., a lobbyist employer, failed to timely file three lobbyist employer reports and failed to timely disclose campaign contributions, in violation of Government Code Sections 86116 and 86117 (4 counts). **Total Proposed Penalty: \$6,500.**

Commissioner Wynne made a motion to approve item 5, Commissioner Wasserman seconded the motion.

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

Advertising Disclosure

- 6. In the Matter of Committee for Measures T & U, Daralyn Reed, and Louise Gliatto; FPPC No. 16/427.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Commission Counsel Tanya Smith. Committee for Measures T & U is a primarily formed ballot measure committee in Siskiyou County. Daralyn Reed is the Committee's treasurer. Louise Gliatto is the Committee's principal officer. The Committee, Reed, and Gliatto failed to place a proper disclosure statement on advertisements, in violation of Government Code Section 84504, subdivision (c), and Regulation 18450.4, subdivision (b)(3)(D) (1 count). The Committee also failed to timely disclose an expenditure on advertisements on a pre-election campaign statement, in violation of Government Code Section 84211, subdivisions (b) and (k) (1 count). **Total Proposed Penalty: \$3,500.**

- 7. In the Matter of Yes on 56 – Save Lives California, A Coalition of Doctors, Dentists, Health Plans, Labor, Hospitals, Law Enforcement, and Non-Profit Health Advocate Organizations; FPPC No. 16/19678.** Staff: Commission Counsel Michael W. Hamilton and Special Investigator Paul Rasey. Yes on 56 – Save Lives California, A Coalition of Doctors, Dentists, Health Plans, Labor, Hospitals, Law Enforcement, and Non-Profit Health Advocate Organizations, a primarily formed committee, failed to amend the two top contributors on a YouTube advertisement within five days, in violation of Government Code Section 84503 and California Code of Regulations 18450.5, subdivision (b)(1) (1 count). **Total Proposed Penalty: \$2,500.**

- 8. In the Matter of Yes on Prop 61, Californians for Lower Drug Prices, With Major Funding By AIDS Healthcare Foundation and California Nurses PAC; FPPC No. 16/19686.** Staff: Commission Counsel Toren Lewis. Yes on Prop 61, Californians for Lower Drug Prices, With Major Funding By AIDS Healthcare Foundation and California Nurses PAC, a statewide ballot measure committee primarily formed in support Proposition 61 in the November 8, 2016 General Election, failed to disclose one of its two highest donors of \$50,000 or more on campaign video advertisements, in violation of Government Code Sections 84503, subdivision (a) and 84504, subdivision (c) (1 count). **Total Proposed Penalty: \$2,500.**

Identification Requirements for Telephone Calls

- 9. In the Matter of Citizens for Orange County Ethics Commission – Yes on Measure A; FPPC No. 16/562.** Staff: Commission Counsel Toren Lewis. Citizens for Orange County Ethics Commission – Yes on Measure A, a local primarily formed ballot measure

committee in support of Measure A on the June 7, 2016 Primary Election ballot in Orange County, authorized and paid for 200,000 telephone calls in support of a Measure A that were similar in nature and made by electronic means. These calls failed to disclose the name of the organization that authorized or paid for them, in violation of Government Code Section 84310, subdivision (a) (1 count). **Total Proposed Penalty: \$1,500.**

Campaign Non-Filer

- 10. In the Matter of YES on Measure U – Kids Need U and Kelly Brown, Treasurer; FPPC No. 16/19824.** Staff: Commission Counsel Amanda Kelly, Assistant Political Reform Consultant Chloe Hackert, and Staff Services Analyst Dominika Wojenska. YES on Measure U – Kids Need U is a primarily formed ballot measure committee to support Measure U on the November 8, 2016 General Election ballot in San Joaquin County. Brown is the Committee’s treasurer. The Committee and Brown failed to timely file one pre-election statement, in violation of Government Code Sections 84200.5 subdivision (a) and 84200.8, subdivision (b) (1 count), and six 24-Hour Contribution Reports, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$4,000.**
- 11. In the Matter of Mary Sessom, Mary Sessom for Mayor and Anna S. Baker, Treasurer; FPPC No. 16/198.** Staff: Chief of Enforcement Galena West and Staff Services Analyst Dominika Wojenska. Mary Sessom was a successful candidate for Mayor of Lemon Grove in the November 4, 2008, and November 6, 2012 General Elections. Mary Sessom for Mayor is her candidate-controlled committee. Baker is the Committee’s treasurer. The Committee, Sessom, and Baker failed to timely file two semiannual campaign statements for the reporting periods of July 1, 2015 through June 30, 2016, in violation of Government Code Section 84200 (2 counts); and failed to timely pay the 2014, 2015, 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: \$1,013.**
- 12. In the Matter of Friends of Jennifer Wiltermood for School Board Trustee 2012 and Shari Lorenz, Treasurer; FPPC No. 16/203.** Staff: Chief of Enforcement Galena West and Staff Services Analyst Dominika Wojenska. Jennifer Wiltermood was a successful candidate for Cotati/Rohnert Park Unified School District Board of Trustees in the November 6, 2012, and November 8, 2016 General Elections. Friends of Jennifer Wiltermood for School Board Trustee 2012 is her candidate-controlled committee. Lorenz is the Committee’s treasurer. The Committee, Wiltermood, and Lorenz failed to timely file two semiannual campaign statements for the reporting period of January 1, 2015 through December 31, 2015, in violation of Government Code Section 84200 (2 counts); and failed to timely pay the 2014, 2015, 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: \$1,000.

13. In the Matter of Committee for Great Yucaipa-Calimesa Schools Yes on Measure O and Christi Richards, Treasurer; FPPC No. 16/197. Staff: Chief of Enforcement Galena West and Staff Services Analyst Dominika Wojenska. Committee for Great Yucaipa-Calimesa Schools Yes on Measure O is a primarily formed ballot measure committee. Christi is the Committee's treasurer. The Committee and Christi failed to timely file two semiannual campaign statements for the reporting period of January 1, 2015 through December 31, 2015, in violation of Government Code Section 84200 (2 counts); and 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: \$600.**

14. In the Matter of Uche J. Uwahemu, Uche Uwahemu for Richmond City Council 2016, and Angelique Holmes, Treasurer; FPPC No. 16/19654. Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. Uche Uwahemu was an unsuccessful city council candidate for the City of Richmond in the November 8, 2016 General Election. Uche Uwahemu for Richmond City Council 2016 is his candidate-controlled committee. The Committee and Uwahemu failed to timely file one pre-election campaign statement for the reporting period of January 1, 2016 through September 24, 2016, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$480.**

15. In the Matter of Hydrick for Assembly 2016, and Gabriel Hydrick, Treasurer; FPPC No. 16/590. Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. Gabriel Hydrick was an unsuccessful candidate for Assembly District 6 in the June 7, 2016 primary election. Hydrick for Assembly 2016 is his candidate-controlled committee. The Committee and Hydrick failed to timely file two pre-election campaign statements covering the reporting period of January 1, 2016 through May 21, 2016, in violation of Government Code Section 84200.5 (2 counts). **Total Proposed Penalty: \$445.**

16. In the Matter of David Bicknell, Bicknell for School Board 2016, and Brian W. Carry, Treasurer; FPPC No. 16/19787. Staff: Chief of Enforcement Galena West, Enforcement Division Intake Manager Adrienne Korchmaros, and Enforcement Division Intern Seth Craig. David Bicknell was an unsuccessful candidate for El Dorado Union High School District Board of Trustees in El Dorado County for the November 8, 2016 General Election. His candidate-controlled committee was Bicknell for School Board

2016. Brian W. Carry was the Committee's treasurer. The Committee, Bicknell and Carry failed to timely file one pre-election statement covering the period of July 1, 2016 through September 24, 2016, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$438.**

17. In the Matter of Dean Haddock for Trustee 2012 for Panama-Buena Vista School District and Dean Haddock, Treasurer; FPPC No. 16/313. Staff: Chief of Enforcement Galena West and Staff Services Analyst Dominika Wojenska. Dean Haddock was a successful candidate for Panama-Buena Vista Union School District Board of Trustees in the November 6, 2012, and November 8, 2016 General Elections. Dean Haddock for Trustee 2012 for Panama-Buena Vista School District is his candidate-controlled committee. The Committee and Haddock 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); and 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: \$400.**

18. In the Matter of Eduardo Reyes and Eduardo Reyes for Chula Vista Elementary School District 2014; FPPC No. 16/507. Staff: Chief of Enforcement Galena West and Assistant Political Reform Consultant Chloe Hackert. Eduardo Reyes was a successful candidate for Board Member of Chula Vista Elementary School District in the November 4, 2014 General Election. Eduardo Reyes for Chula Vista Elementary School District 2014 is his candidate-controlled committee. The Committee and Reyes failed to file one 24-hour contribution report, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$250.**

19. In the Matter of Baird for Senate 2016 and Steven L. Baird, Treasurer; FPPC No. 16/588. Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. Steven Baird was an unsuccessful candidate for Senate District 1 in the June 7, 2016 Primary Election. Baird for Senate 2016 is his candidate-controlled committee. The Committee and Baird failed to timely file one pre-election campaign statement covering the reporting period of April 22, 2016 through May 21, 2016, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$222.**

20. In the Matter of Capitol Black Staff PAC, Andrew Opio Dupree, and Shannon McKinley; FPPC No. 16/515. Staff: Commission Counsel Amanda Kelly. Capitol Black Staff PAC is a state general purpose committee formed to support candidates for the Legislature. Andrew Opio Dupree is the Committee's treasurer and Shannon McKinley is the Committee's principal officer. The Committee, Dupree, and McKinley failed to

timely file one semiannual campaign statement for the period of January 1, 2015 through June 30, 2015, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$215.**

21. In the Matter of Committee to Elect Cecelia Escamilla Greenwald – Los Rios Community College District Area 4 – 2016, Cecelia Escamilla-Greenwald and Alan Pryor, Treasurer; FPPC No. 16/19860. Staff: Chief of Enforcement Galena West and Staff Services Analyst Katie Trumbly. Cecelia Escamilla-Greenwald was an unsuccessful candidate for the Los Rios Community College District in the November 8, 2016 General Election. Committee to Elect Cecelia Escamilla Greenwald – Los Rios Community College District Area 4 – 2016 is the candidate-controlled committee for Cecelia Escamilla-Greenwald. The Committee, Escamilla-Greenwald and Pryor failed to timely file one pre-election campaign statement covering the reporting period of September 25, 2016 through October 22, 2016, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$214.**

22. In the Matter of Anne Kepner and Anne Kepner for College Trustee 2014; FPPC No. 16/755. Staff: Chief of Enforcement Galena West and Enforcement Division Intake Manager Adrienne Korchmaros. Anne Kepner was a successful candidate for the West Valley-Mission Community College Board of Trustees in Santa Clara County for the November 4, 2014 General Election. Anne Kepner for College Trustee was her candidate-controlled committee. Kepner and the Committee failed to timely file one semiannual campaign statement covering the period of January 1, 2016 through June 30, 2016, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

Statement of Economic Interests Non-Filer

23. In the Matter of John Mackey; FPPC No. 16/19889. Staff: Commission Counsel Amanda Kelly and Staff Services Analyst Katie Trumbly. John Mackey, a successful candidate for the Oak Grove School District Board in Santa Clara County in the November 8, 2016 General Election, failed to timely file one Candidate Statement of Economic Interests, in violation of Government Code Section 87302.3 (1 count). **Total Proposed Penalty: \$400.**

24. In the Matter of Saul Romo; FPPC No. 16/19880. Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. Saul Romo, as an Assistant Director of Finance with the City of Los Angeles, failed to timely file a 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

25. In the Matter of Julia Moye; FPPC No. 16/19883. Staff: Chief of Enforcement Galena West and Political Reform Consultant Teri Rindahl. Julia Moye, as a Civil Engineer for the Public Works-Bureau of Engineering with the City of Los Angeles, failed to timely file her 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

26. In the Matter of Howard Chambers; FPPC No. 16/064. Staff: Assistant Chief of Enforcement Dave Bainbridge and Commission Counsel Amanda Kelly. Howard Chambers, as a member of the Los Angeles County Museum of Natural History Board of Governors, failed to timely file his 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

Commissioner Wasserman made a motion to approve item 26, Commissioner Casher seconded the motion.

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

Annual Fee

27. In the Matter of Committee to Elect Jill Hardy 2012, Jill Hardy, and Andrew Farley; FPPC No. 15/635. Staff: Commission Counsel Toren Lewis. Jill Hardy was a candidate for city council in Huntington Beach in the November 6, 2012 General Election. Committee to Elect Jill Hardy was her candidate-controlled committee. Andrew Farley was the Committee's treasurer. The Committee, Hardy and Farley failed to timely pay the 2014, 2015, 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: \$600.**

28. In the Matter of Larry Walker Auditor Committee 2014 and Larry Walker; FPPC No. 15/1101. Staff: Chief of Enforcement Galena West and Staff Services Analyst Dominika Wojenska. Larry Walker was a successful candidate for San Bernardino County Auditor-Controller/Treasurer/Tax Collector in the June 8, 2010, and June 3, 2014 elections. Larry Walker Auditor Committee 2014 is his candidate-controlled committee. The Committee and Walker failed to timely pay the 2013 and 2014 \$50 Annual Fees to the Secretary of State's Office, in violation of Government Code Section 84101.5 (2 counts). **Total Proposed Penalty: \$400.**

29. In the Matter of Friends of Anna Song for County Board of Education 2016 and Anna Song; FPPC No. 15/1037. Staff: Commission Counsel Amanda Kelly. Anna Song is a member of the Santa Clara County Board of Education. Friends of Anna Song for

County Board of Education 2016 is her candidate-controlled committee. The Committee and Song failed to 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 30

30. Legislative Update for January 2017. Staff: Phillip Ung, Legislative and External Affairs Director. This report includes a summary of 3 bills recently introduced that would impact the Political Reform Act or Government Code 1090. And the memorandum on the Political Reform Act Revision Project provides a status update of the year-long project and recommends that the Commission sponsor implementing legislation.

Executive Director Erin Peth updated the Commission on the Political Reform Act Revision Project. She asked the Commission to adopt a formal sponsor position for implementing legislation.

All Commissioners voiced support for the project.

Commissioner Casher made a motion to to adopt a formal sponsor position for implementing legislation, Commissioner Wasserman seconded the motion

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

Executive Staff Reports Item 31

31. Executive Staff Reports.

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

The staff reports were submitted.

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

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

The meeting adjourned at 2:20pm.

Respectfully Submitted,
Sheva Tabatabaiejad
Commission Assistant
Approved February 1, 2017

Joann Remke, Chair
Fair Political Practices Commission