



NOTICE AND AGENDA Commission Meeting¹

California Fair Political Practices Commission
1102 Q Street, Suite 3800
Sacramento, CA 95811

Thursday, June 18, 2020
10:00 A.M.

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.

Pursuant to Executive Order N-29-20, certain provisions of the Bagley Keene Open Meeting Act are suspended due to a State of Emergency in response to the COVID-19 pandemic. Consistent with the Executive Order, this Commission meeting will be conducted by teleconference only. None of the locations from which Commissioners will participate will be open to the public. Members of the public who wish to observe the meeting may do so via [YouTube](#) or via telephone by calling (877) 411-9748; access code 723284. Members of the public who wish to comment during the meeting may do so by telephone or using the Commission's public participation portal found at <http://mediasite.fppc.ca.gov/>.

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), CommAsst@fppc.ca.gov (e-mail) and ADACoordinator@fppc.ca.gov. 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.

The Commission may take action on any item listed on this agenda.

¹You can obtain further information about the meeting by contacting the Commission Assistant, 1102 Q Street, Suite 3000, Sacramento, CA, 95811, 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. Email comment letters directly to CommAsst@fppc.ca.gov. To participate in real time, visit <http://mediasite.fppc.ca.gov/>.

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 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 [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), CommAsst@fppc.ca.gov (e-mail) and ADACoordinator@fppc.ca.gov. 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 three business days between the request and the meeting date.

Welcome

Richard C. Miadich, Chair

Public Comment

- 1. Public Comment for Items not on Agenda.** During this comment period, any person is invited to speak on any topic that is not listed on this agenda. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on a future agenda. Those who wish to comment on an item that has been listed on this agenda may comment when that item has been opened for consideration by the Commission and before any action is taken.

Approval of Commission Minutes

- 2. Approval of May 2020 Commission Hearing Minutes.**

Enforcement Consent Calendar 3-11

Items on the consent calendar will be taken up and voted on as a group. A Commissioner may request that an item be removed from consent, in which case it will be discussed separately in the meeting.

Conflict of Interest

- 3. In the Matter of Leticia Perez; FPPC No. 19/960.** Staff: Bridgette Castillo, Senior Commission Counsel and Lance Hachigian, Special Investigator. This case is part of a plea agreement with the Kern County District Attorney's Office. The respondent was represented by H.A. Sala, Attorney at Law. Leticia Perez has been a member of the Kern County Board of Supervisors since 2013. As a member of the Board, Perez participated in discussions and voted against a ban on the sale of cannabis and cannabis related products on October 24, 2017, in which she knew or had reason to know of a material financial effect on a source of her income, in violation of Government Code Section 87100 (1 count). **Total Proposed Penalty: \$4,000.**

Advertisements/Mass Mailings

- 4. In the Matter of Committee for College of the Canyons - Yes on Measure E and Robert McCarty; FPPC No. 17/287.** Staff: Ruth Yang, Commission Counsel. Robert McCarty was represented by Lacey Keys of Olson Remcho. Committee for College of the Canyons - Yes on Measure E was a local primarily formed committee. Robert McCarty was the Committee's treasurer and principal officer. The Committee and McCarty failed to comply with advertisement disclosure requirements, in violation of Government Code Sections 84503, subdivision (a), and Regulation 18450.4, subdivision (b) (1 count); failed to timely file two semiannual campaign statements and one pre-election campaign statement, in violation of Government Code Sections 84200, 84200.5, and 84200.8 (1 count); failed to timely file 17 24-Hour Reports, in violation of Government Code Section 84203 (1 count); and failed to provide sufficient notice to 16 potential major donor committees, in violation of Government Code Section 84105 and Regulation 18427.1 (1 count). **Total Proposed Penalty: \$9,000.**

5. **In the Matter of Placer County Impact Republicans PAC and George E. Park Jr; FPPC No. 16/19865.** Staff: Jenna Rinehart, Commission Counsel and Paul Rasey, Special Investigator. Placer County Impact Republicans PAC is a local general purpose committee. George E. Park was the Committee's treasurer at the time these violations occurred. The Committee and Park failed to timely file an amended statement of organization to report its sponsorship and to include the sponsor's name in the Committee's name, in violation of Government Code Section 84103 (1 count); failed to timely file three 24-Hour Reports, in violation of Government Code Section 84204 (1 count); failed to include a disclosure statement and the required "not authorized" statement on the Committee's Facebook profile, in violation of Government Code Section 84504.3 (1 count); and failed to include the required "not authorized" statement on five separate mass mailings that supported and opposed candidates, in violation of Government Code Section 84506.5 (1 count). **Total Proposed Penalty: \$8,000.**
6. **In the Matter of Job Creators for a Strong Economy, opposed to Nathan Fletcher for Supervisor 2018, sponsored by The Lincoln Club of San Diego County and Brian Pepin; FPPC No. 18/320.** Staff: Ruth Yang, Commission Counsel and Lance Hachigian, Special Investigator. Job Creators for a Strong Economy, opposed to Nathan Fletcher for Supervisor 2018, sponsored by The Lincoln Club of San Diego County was a local primarily formed committee. Brian Pepin was the Committee's principal officer. The Committee and Pepin failed to print "Paid for by," to disclose the name of the Committee, and to include the "not authorized" disclaimer on a print advertisement, in violation of Government Code Sections 84502, subdivision (a)(1), 84504.2, subdivision (a), and 84506.5 (1 count). **Total Proposed Penalty: \$2,500.**

Campaign Late Filer

7. **In the Matter of Albert Robles for Carson City Council 2013 and Albert Robles; FPPC No. 17/1164.** Staff: Christopher Burton, Senior Commission Counsel and Lance Hachigian, Special Investigator. Albert Robles was a successful candidate for Carson City Council in the March 5, 2013 General Municipal Election. Albert Robles for Carson City Council 2013 was his candidate-controlled committee. The Committee and Robles failed to timely file three semiannual campaign statements, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$2,250.**
8. **In the Matter of Pandya for Mayor 2018 and Amit Pandya; FPPC No. 19/870.** Staff: Jenna C. Rinehart, Commission Counsel. Amit Pandya was an unsuccessful candidate for Mayor of Salinas in the November 6, 2018 General Election. Pandya for Mayor 2018 was his candidate-controlled committee. The Committee and Pandya failed to timely file two semiannual campaign statements, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$2,000.**
9. **In the Matter of Committee to Elect Liz Ames for BART Board Director District 6 2018, Liz Ames, and Catherine Keesee, FPPC No. 18/1240.** Staff: Megan A. Van Arsdale, Commission Counsel. Liz Ames was a successful candidate for BART Board Director of District 6 in the November 6, 2018 General Election. Committee to Elect Liz Ames for BART Board Director District 6 2018 was her candidate-controlled committee. Catherine Keesee was the Committee's treasurer. The Committee, Ames, and Keesee failed to timely

file a pre-election campaign statement and four 24-Hour Reports, in violation of Government Code Sections 84200.5 and 84203 (1 count). **Total Proposed Penalty: \$2,000.**

Campaign Late Filer/Reporter

10. In the Matter of Orange County Dignity PAC, sponsored by Orange County Federation of Labor AFL-CIO; FPPC No. 18/063. Staff: Angela Brereton, Assistant Chief Counsel and Luz Bonetti, Supervising Management Auditor. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. The respondent was represented by Kaufman Legal Group. Orange County Dignity PAC sponsored by Orange County Federation of Labor AFL-CIO is a state general purpose committee. The Committee failed to timely report expenditures on six 24-Hour Reports between September 30, 2014 and October 16, 2014, in violation of Government Code Section 84204 (1 count); and failed to timely report expenditures on twelve other 24-Hour Reports between May 28, 2014 and November 5, 2014, in violation of Government Code Section 84204 (1 count). The Committee also failed to timely report a late contribution in a 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$7,000.**

11. In the Matter of We are California, a Sponsored Committee of Mobilize the Immigrant Vote Action Fund and Aparna Shah; FPPC No. 19/872. Staff: Jenna C. Rinehart, Commission Counsel. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. We are California, a Sponsored Committee of Mobilize the Immigrant Vote Action Fund is a state general purpose committee. Aparna Shah was the Committee's treasurer at the time these violations occurred. The Committee and Shah failed to timely report required subvendor information for expenditures for the printing and mailing of a Voter Guide on or around October 4, 2016, in violation of Government Code Sections 84211, subdivision (k), and 84303 (1 count). **Total Proposed Penalty: \$1,500.**

General Items 12-23

12. Update of Campaign Manuals. Staff: Sukhi Brar, Assistant General Counsel and Alana S. Jeydel, PhD, Manager, Education Program. Campaign manuals have been revised to incorporate legislation that became effective January 1, 2020, recent regulatory changes and other non-substantive technical changes.

Staff Memo

Manual 1

Manual 2

Manual 3

Manual 4

Manual 5

Manual 6

13. FPPC Conflict of Interest Code. Staff: Sukhi Brar, Assistant General Counsel and Ivy Branaman, Manager, Email Advice and Conflict of Interest Code Program. The Commission will consider proposed revisions to the FPPC's conflict of interest code.

Conflict of Interest Code

14. Prenotice Discussion of Proposed Amendments to Regulations Governing Enforcement Processes. Staff: Dave Bainbridge, General Counsel; John Feser, Senior Commission Counsel; Jack Woodside, Senior Commission Counsel, Legal Division. Staff proposes several changes to various regulations governing enforcement matters to promote compliance with, and enforcement of, the Act. The proposed amendments incorporate Commissioner recommendations from past meetings and make numerous changes to clarify existing provisions and update and improve the enforcement process. These regulations are presented for discussion and direction by the Commission and will be presented for adoption at a subsequent meeting.

Staff Memo

Proposed Repeal of Regulation 18360

Proposed Adoption of Regulation 18360

Proposed Amendment of Regulation 18361.4

Proposed Amendment of Regulation 18361.5

Proposed Amendment of Regulation 18361.9

Proposed Amendment of Regulation 18361.11

Proposed Amendment of Regulation 18404.2

15. Repeal and Adoption of Regulation 18707 - Disqualification Requirements (Public Identification of a Financial Interest in an Agenda Item). Staff: Dave Bainbridge, General Counsel; Karen Harrison, Senior Commission Counsel, Legal Division. Staff proposes a clarified procedure for public officials to publicly identify a financial interests in an agenda item pursuant to Section 87105, and specifically addresses the procedure when the official partially attends a public meeting in proposed Regulation 18707. Staff presented the proposed changes for discussion and direction at the April 2020 meeting, and now presents these changes for adoption.

Staff Memo

Proposed Repeal of Regulation 18707

Proposed Adoption of Regulation 18707

16. Amendment of Regulation 18419. Staff: Dave Bainbridge, General Counsel and Zachary W. Norton, Senior Counsel, Legal Division. Staff proposes amendments to Regulation 18419 regarding sponsored committees to clarify when a committee qualifies as a sponsored committee. The proposed amendments were presented for discussion and direction at the August 2019 meeting, and are now presented for adoption.

Staff Memo

Proposed Amendments to Regulation 18419

17. Adoption of Regulations 18402.2 and 18421.10. Staff: Dave Bainbridge, General Counsel and Toren Lewis, Commission Counsel, Legal Division. Staff submits proposed Regulations 18402.2 and 18421.10 for adoption. Proposed Regulation 18402.2 defines the “responsible officer” that is to be listed on campaign statements and reports for LLCs that qualify as independent expenditure committees or major donors. Proposed Regulation 18421.10 details what information a committee that receives a contribution from an LLC must include as part of a contributor’s “name” on its campaign statements and reports. The proposed regulations were presented for discussion and direction at the February 2020 Commission meeting, and

are now presented for adoption.

Staff Memo

Proposed Adoption of Regulation 18402.2

Proposed Adoption of Regulation 18421.10

18. Update on Digital Transparency Task Force. Chair Miadich and Commissioner Hayward.

19. Legislative Development. Staff: Dave Bainbridge, General Counsel and Jay Wierenga, Communications Director. The Commission will review and discuss memorandums provided by the Legislative Director on Commission sponsored legislation and other PRA related legislation, if any. The Commission may provide direction on sponsored legislation and other PRA related legislation. The Commission may direct staff to amend bill proposals and provide additional updates.

Legislative Update

20. Committee Updates.

Law and Policy Committee Update.

Budget and Staffing Committee Update.

Public Outreach and Technology Committee Update.

21. Executive Staff Reports.

Enforcement Division. Galena West, Chief of Enforcement

Legal Division. David Bainbridge, General Counsel

Executive Director Update, Loressa Hon, Acting Executive Director

Executive Staff Report

22. Closed Session. Personnel Matter (Gov. Code § 11126, subs. (a) and (b); 11126(e)(1).)

23. Commissioner Comments and Proposed Future Agenda Items.

Note: Although any Commissioner may identify a topic of interest, the Commission may not substantially discuss or take action on any matter raised during the meeting that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting.

(Government Code Sections 11125 & 11125.7(a).)