



EXECUTIVE STAFF REPORTS

August 19, 2021 Commission Hearing

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I. ENFORCEMENT DIVISION

STAFF: ANGELA BRERETON, CHIEF OF ENFORCEMENT

A. Overview

During the period of July 1, 2021 through July 31, 2021 the Enforcement Division received 55 complaints, opened 2 for investigation, and rejected 16. The Enforcement Division received 92 referrals during this time. The Enforcement Division closed a total of 84 cases including:

- 35 warning letters – advertisement violations (1), behested payment violations (2), campaign violations (17), and statement of economic interests violations (15);
- 17 no action closure letters alleging – advertisement violations (1), behested payment violations (5), campaign violations (3), conflict of interest violations (1), and statement of economic interests violations (7);
- 18 approved stipulations from the June and July Commission meetings;
- 2 approved defaults from the April 2020 and February 2021 Commission meetings;
- 7 advisory letters for behested payment violations; and
- 5 committees were administratively terminated.

The Division had 1,527 cases in various stages of resolution at the time of the July Monthly Report and currently has approximately 1,568 cases in various stages of resolution, including the 22 cases before the Commission as listed in the August Agenda.

B. Annual Statistics

On the next page, you will find a chart that details the annual statistics for enforcement complaints, referrals and cases. This chart includes the data from 2020, where Enforcement had a highly efficient and effective year, receiving over 2,900 complaints and referrals and closing 1,117 cases with violations found. The information in the chart has been gathered from public reports, information from the defunct and inactive database, and data that has been converted into current form, so the numbers are close estimates in some instances.

	Year	2016	2017	2018	2019	2020
1	Complaints Received	1,180	564	1,352	744	1,390
2	Referrals Received	350	1,616	1,529	1,950	1,518
3	Total Complaint and Referrals Received	1,530	2,180	2,881	2,694	2,908
4	Cases opened	1,315	1,480	1,561	1,820	1,155
5	Cases closed ³	1,803	1,477	1,243	1,465	1,526
6	Cases with resolutions approved by the Commission ¹	311	340	235	343	278
	a Streamline cases approved by Commission	234	262	173	263	194
	b Mainline cases approved by Commission	70	66	56	73	77
	c Default cases approved by Commission	7	12	6	7	7
7	Total fines imposed by the Commission	\$894,257	\$1,126,933	\$499,606	\$797,384	\$1,940,107
8	Warning letters issued	489	505	554	584	777
9	Administrative terminations	668	297	177	104	62
10	Cases closed with violations found ²	1,468	1,142	966	1,031	1,117
1	Advisory letters issued	14	17	20	9	7
12	No action closure letters	321	318	252	423	402

¹ Total for lines 6a, 6b, and 6c.

² Total for lines 6, 8, and 9.

³ Total cases closed includes Commission approved cases from the previous year and Commission approved administrative judgements. It does not include Commission approved cases not yet closed.

D. Unexecuted Streamline Stipulations

Streamline penalty stipulations are approved by the Chief of Enforcement and reported to the Commission for discussion only before they are executed. The following streamline stipulations are presented for that purpose. After the close of the hearing, the Chief of Enforcement may execute all or any of the streamline penalty stipulations, at the Chief's discretion per Regulation 18360.2.

Since the last Monthly Report, the Enforcement Chief has not used discretion to increase the penalties for Tier Two advertising violations resulting in public confusion, under Regulation 18360.3(d)(7)(B)(i)(b), or to increase the penalties for Tier Two violations involving the same candidate, committee, or principal officer who has paid a Tier One penalty to the Commission or received a Warning Letter from the Commission for the same type of violation occurring within the last five years, based on the resulting public harm.

Behested Payments

In the Matter of Nancy Skinner; FPPC No. 21/399. Staff: Angela Brereton, Chief of Enforcement and Tara Stock, Intake Manager. Nancy Skinner, State Senator, failed to timely file six Behested Payment Reports, in violation of Government Code Section 84224 (6 counts).

Total Penalty: \$1,600 (Tier One & Two).

Lobbying Reporting

In the Matter of Hinderliter de Llamas & Associates; FPPC No. 19/1701. Staff: Angela Brereton, Chief of Enforcement and Chloe Hackert, Political Reform Consultant. Hinderliter de Llamas & Associates, a lobbyist employer, failed to timely file eleven lobbyist employer quarterly reports, in violation of Government Code Section 86117 (11 counts). **Total Penalty: \$8,205 (Tier Two).**

Campaign Late Filer/Reporter

In the Matter of Yes on HS 2018 and David Norton; FPPC No. 18/1531. Staff: Alex Rose, Commission Counsel. Yes on HS 2018 was a local committee primarily formed to support Measure HS in the November 6, 2018 General Election. David Norton was the Committee's treasurer. The Committee and Norton failed to timely file a semi-annual campaign statement, a preelection campaign statement, and nine 24-hour reports, in violation of Government Code Sections 84200, 84200.5, and 84203 (11 counts). **Total Penalty: \$4,855 (Tier One & Two).**

In the Matter of David W. Duffner MD for Desert Health Care District Board 2016 and Wayne Gottlieb; FPPC No. 19/1620. Staff: Alex Rose, Commission Counsel. David W. Duffner was an unsuccessful candidate for Desert Health Care District Director in the November 8, 2016 General Election. David W. Duffner MD for Desert Health Care District Board 2016 was Duffner's candidate-controlled committee. Wayne Gottlieb was the Committee's treasurer. The candidate is deceased, so is not a party to this action. The Committee and Gottlieb failed to timely file two preelection campaign statements, two semi-annual campaign statements, and

seven 24-hour reports, in violation of Government Code Sections 84200, 84200.5, and 84203 (11 counts). **Total Penalty: \$3,892 (Tier One & Two).**

In the Matter of Armenian National Committee Political Action Committee ANCPAC and Viken Pakradouni; FPPC No. 18/1139.

Staff: Theresa Gilbertson, Senior Commission Counsel. Armenian National Committee Political Action Committee ANCPAC is a state general purpose committee. Viken Pakradouni is the Committee's treasurer. The Committee and Pakradouni failed to timely file seven semiannual campaign statements, in violation of Government Code Section 84200 (7 counts). **Total Penalty: \$2,800 (Tier Two).**

In the Matter of Friends of James Gore Supervisor 2018, James Gore, and Adriane Garayalde; FPPC No. 18/357.

Staff: Alex Rose, Commission Counsel. James Gore was a successful candidate for Sonoma County Supervisor in the June 5, 2018 Primary Election. Friends of James Gore Supervisor 2018 was Gore's candidate-controlled committee. Adriane Garayalde is the Committee's treasurer. The Committee, Gore, and Garayalde failed to timely file a preelection campaign statement, in violation of Government Code Section 84200.5 (1 count). **Total Penalty: \$471 (Tier One).**

In the Matter of Citrus Heights Chamber of Commerce Political Action Committee and William Van Duker; FPPC No. 21/461.

Staff: Angela Brereton, Chief of Enforcement and Dominika Wojenska, Associate Governmental Program Analyst. Citrus Heights Chamber of Commerce Political Action Committee is a local general purpose committee. William Van Duker is the Committee's treasurer. The Committee and Van Duker failed to timely file a 24-hour report, in violation of Government Code Section 84203 (1 count). **Total Penalty: \$445 (Tier Two).**

In the Matter of Don Bridge for CVUSD Board – 2020, Don Bridge, and Donald Taylor; FPPC No. 21/347.

Staff: Angela Brereton, Chief of Enforcement and Chloe Hackert, Political Reform Consultant. Don Bridge was a successful candidate for Board Member of Chino Valley Unified School District in the November 3, 2020 General Election. Don Bridge for CVUSD Board – 2020 was Bridge's candidate-controlled committee. Donald Taylor was the Committee's treasurer. The Committee, Bridge, and Taylor failed to timely file a pre-election campaign statement, in violation of Government Code Section 84200.5 (1 count). **Total Penalty: \$313 (Tier One).**

In the Matter of Bryan Easter for Trustee 2020, Bryan Easter, and Heather Easter; FPPC No. 21/228.

Staff: Angela Brereton, Chief of Enforcement and Dominika Wojenska, Associate Governmental Program Analyst. Bryan Easter was a successful candidate for Panama-Buena Vista Union School District Trustee in the November 3, 2020 General Election. Bryan Easter for Trustee 2020 is Easter's candidate-controlled committee. Heather Easter is the Committee's treasurer. The Committee, Bryan Easter, and Heather Easter failed to timely file one preelection campaign statement, in violation of Government Code Section 84200.5 (1 count). **Total Penalty: \$245 (Tier One).**

In the Matter of Committee to Elect Margaret Hill San Bernardino City School Board 2020, Margaret Hill, and Denise Lundy; FPPC No. 21/345. Staff: Angela Brereton, Chief of Enforcement and Chloe Hackert, Political Reform Consultant. Margaret Hill was a successful candidate for San Bernardino City School Board in the November 3, 2020 General Election. Committee to Elect Margaret Hill San Bernardino City School Board 2020 is Hill's candidate-controlled committee. Denise Lundy is the Committee's treasurer. The Committee, Hill, and Lundy failed to timely file a pre-election campaign statement, in violation of Government Code Section 84200.5 (1 count). **Total Penalty: \$220 (Tier One).**

In the Matter of Citizens for Better Education/Redlands Teachers Association and Teresa Steinbroner; FPPC No. 21/177. Staff: Angela Brereton, Chief of Enforcement and Tara Stock, Intake Manager. Citizens for Better Education/Redlands Teachers Association is a local general purpose committee. Teresa Steinbroner is the Committee's treasurer. The Committee and Steinbroner failed to timely file a semi-annual campaign statement, in violation of Government Code Section 84200 (1 count). **Total Penalty: \$200 (Tier One).**

Statement of Economic Interests Late Filer

In the Matter of Jason Richard Harris; FPPC No. 17/1136. Staff: Angela Brereton, Chief of Enforcement and Chloe Hackert, Political Reform Consultant. Jason Richard Harris, as a Member of the Crest, Dehesa, Harbison Canyon, & Granite Hills Planning Group, failed to timely file a 2016 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$200 (Tier One).**

In the Matter of Darin Stowell; FPPC No. 19/828. Staff: David E. Castro, Commission Counsel. Darin Stowell, as a Chief Psychologist for California Correctional Health Care Services, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$200 (Tier One).**

In the Matter of Suz Montgomery; FPPC No. 19/898. Staff: Angela Brereton, Chief of Enforcement and Shaina Elkin, Staff Services Analyst. Suz Montgomery, an Advisory Council Member for the Ventura County Area Agency on Aging, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: 200 (Tier One).**

In the Matter of Josh Peterson; FPPC No. 20/659. Staff: Angela Brereton, Chief of Enforcement and Shaina Elkin, Staff Services Analyst. Josh Peterson, a Member of the General Plan Implementation Review Committee for the City of Fresno, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$200 (Tier One).**

In the Matter of Andrew Kelley; FPPC No. 21/412. Staff: Angela Brereton, Chief of Enforcement and Taylor Culberson, Assistant Political Reform Consultant. Andrew Kelley, a Planning Commissioner for Alameda County, failed to timely file a 2019 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Penalty: \$200 (Tier One).**

In the Matter of Nicholas Targ; FPPC No. 21/420. Staff: Angela Brereton, Chief of Enforcement and Taylor Culberson, Assistant Political Reform Consultant. Nicholas Targ, a Planning Commissioner for Portola Valley, failed to timely file a 2019 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Penalty: \$200 (Tier One).**

In the Matter of Scot Nicol; FPPC No. 21/421. Staff: Angela Brereton, Chief of Enforcement and Taylor Culberson, Assistant Political Reform Consultant. Scot Nicol, an Alternate Member for the Independent Cities Risk Management Authority, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$200 (Tier One).**

In the Matter of Eduardo Soriano-Hewitt; FPPC No. 21/502. Staff: Angela Brereton, Chief of Enforcement and Taylor Culberson, Assistant Political Reform Consultant. Eduardo Soriano-Hewitt, a Council Aide for the City of Los Angeles, failed to timely file a 2019 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$200 (Tier One).**

II. LEGAL DIVISION

STAFF: DAVE BAINBRIDGE, GENERAL COUNSEL

A. Pending Litigation

California State Association of Counties and California School Boards Association v. FPCC
County of Los Angeles Superior Court, Central District
Case No. BS174653

On September 11, 2018, petitioners served a first amended petition for writ of mandate and complaint for declaratory relief. Petitioners allege that Regulations 18420.1 and 18901.1 are invalid as a matter of law, that the Commission has exceeded its jurisdiction in adopting these Regulations, and that the Regulations are unenforceable.

On March 29, 2019, the Commission's Motion for Judgment on the Pleadings was granted with leave to amend. The court vacated all hearing dates and set a new trial setting conference. Plaintiffs timely filed a second amended complaint on June 27, 2019.

The Commission filed a demurrer and the hearing occurred on November 22, 2019. In its ruling, the court: (1) sustained the demurrer to the first cause of action without leave to amend; (2) sustained the demurrer with leave to amend on plaintiff CSBA's standing on all cause of action and plaintiff CSAC's standing on all causes of actions challenging Regulation 18901.1; and (3) overruled the remaining grounds for demurrer.

Petitioners filed a third amended complaint, and the Commission filed an answer. The parties submitted pretrial briefs and after hearing on December 4, 2020, the court issued an order denying the writ. Notice of entry of the court's judgment was served on January 12, 2021.

Petitioners filed a timely notice of appeal on March 10, 2021. The reporter's transcript has been filed and the briefing schedule is currently as follows: opening brief due September 1, 2021; respondent's brief due October 1, 2021; reply brief due October 21, 2021. These dates do not account for extensions of time by stipulation or court order, or the automatic 15-day extension of time under in Rule 8.220 of the California Rules of Court.

Mat Wahlstrom v. California Fair Political Practices Commission and Steven J. Kaufman
San Diego County Superior Court, Central Division
Case No. 37-2020-00030654-CU-WM-CTL

Petitioner filed a petition for writ of mandate on August 31, 2020. The petition seeks to set aside a streamline stipulation, decision and order against Todd Gloria adopted by the Commission in November 2019. The Attorney General is representing the Commission. The Commission filed an answer to the complaint on October 22, 2020. Petitioner filed an amended petition on May 12, 2021. The Commission filed a demurrer to the amended petition. A hearing has been set for December 10, 2021, at 8:30 a.m. in Department 65 before Judge Ronald F. Frazier.

B. Outreach and Training

Webinars

- July 13th, the FPPC hosted an AB 571 webinar. Staff Services Manager, Alana Jeydel, presented. 60 people attended.

Scheduled Webinars

- August 11th, the FPPC is hosting a Candidate/Treasurer webinar.
- August 25th, the FPPC is hosting a Campaign Filing Officer Webinar
- September 14th, the FPPC is hosting a Candidate/Treasurer Webinar.
- September 22nd, the FPPC is hosting a Campaign Filing Officer Webinar
- September 29th, the FPPC is hosting a Statement of Economic Interest Filing Officer webinar.

Video Tutorials

- Commission video tutorials were accessed a total of 453 times in July. Form 700 videos were accessed 211 times, the Candidate/Treasurer video was accessed 129 times, and the filing officer videos were accessed 113 times.

C. Advice

The July 29, 2021, Advice Letter Report is available at [Advice Letter Report - July 2021 \(ca.gov\)](https://www.fppc.ca.gov/Advice-Letter-Report-July-2021).

In July, the Legal Division responded to the following requests for advice:

- **Education Program:** The Education Program responded to 459 requests for technical assistance via phone.
- **Requests for Advice:** The Email Advice and Conflict of Interest Code Program and Legal Division attorneys collectively responded to more than 542 email and telephone requests for advice, 44 of which were not responded to within 24 hours.
- **Advice Letters:** The Legal Division received eight advice letter requests under the Political Reform Act and completed 10.

- **Section 1090 Letters:** The Legal Division received five advice letter request concerning Section 1090 and completed seven. This year to date, we have received 40 advice requests regarding Section 1090.

D. Miscellaneous Decisions

None to Report.

E. Potential Upcoming Regulations

September 16th, 2021

- **Behested Payment Reporting.** (Regulations 18204 and 18215.3.) Regulatory additions and amendments to improve the efficiency and transparency of behested payment reporting, including providing for reporting of good faith estimates of payments in certain circumstances, and clarifying rules for disclosure of payments made in response to third party fundraising solicitations. (Adoption.)
- **Agency Electronic Filing Systems.** (Regulations 18753 and 18756.) Regulatory additions and amendments permitting and facilitating agencies' establishment and use of electronic filing systems. (Pre-notice.)

October 21, 2021

- **Lobbyist Recordkeeping.** (Regulation 18612.) Update and enhance recordkeeping requirements for lobbyists and lobbying entities. (Adoption.)
- **Behested Payment Reporting: Donor Advised Funds.** (Regulation 18424.3) Regulatory addition to clarify reporting the "payor" when a behested payment is made from a donor advised fund by a sponsoring organization. (Adoption.)

F. Conflict of Interest Codes

Adoptions and Amendments

State Agency Conflict of Interest Codes

- None to Report

Multi-County Agency Conflict of Interest Codes

- Alta Irrigation District
- BETA Healthcare Group
- Compass Charter Schools
- Los-Gatos Saratoga Joint Union High School District
- Marysville Joint Unified School District
- Options for Youth-California
- Orangeline Development Authority
- Westlands Water District

Exemptions

- Carpet Stewardship Program Advisory Committee
- Mattress Stewardship Advisory Committee

Extensions

- None to Report

G. Probable Cause Hearings

None to Report.

III. ADMINISTRATION & TECHNOLOGY DIVISION

STAFF: LORESSA HON, CHIEF OF ADMINISTRATION

New Employee Report

Enforcement Division

Marissa Nash, Enforcement Counsel

Statement of Economic Interest (Form 700)

As of August 1, 2021, there were 435 Form 700 non-filers of the 2020/2021 Annual Form 700 filing.