



# EXECUTIVE STAFF REPORTS

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*November 18, 2021 Commission Hearing*

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# I. ENFORCEMENT DIVISION

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STAFF: ANGELA BRERETON, CHIEF OF ENFORCEMENT

## A. Overview

During the period of October 1, 2021 through October 31, 2021 the Enforcement Division received 59 complaints, opened 5 for investigation, and rejected 17. The Enforcement Division received 189 referrals during this time. The Enforcement Division closed a total of 126 cases including:

- 68 warning letters –advertisement violations (3), behested payment violations (1), conflict of interest code violations (1), campaign violations (19), lobbying violations (1), Gift-Over-the-Limit violations (1), and statement of economic interests violations (42);
- 33 no action closure letters alleging – advertisement violations (1), campaign violations (15), conflict of interest violations (1), and statement of economic interests violations (16);
- 24 approved stipulations from the February, August, September, and October Commission meetings;
- 1 committee was administratively terminated.

The Division had 1,613 cases in various stages of resolution at the time of the October Monthly Report and currently has approximately 1,575 cases in various stages of resolution, including the 45 cases before the Commission as listed in the November 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.

	<b>Year</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
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 <sup>3</sup>	1,803	1,477	1,243	1,465	1,526
6	Cases with resolutions approved by the Commission <sup>1</sup>	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 <sup>2</sup>	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

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<sup>1</sup> Total for lines 6a, 6b, and 6c.

<sup>2</sup> Total for lines 6, 8, and 9.

<sup>3</sup> 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.

### **C. General Topics for the December Enforcement Presentation**

- Overview of Enforcement and its Processes
- 2021 Workload Recap
- Streamline Program Update
- Preelection Outreach Program
- 2022 Election Year Projections

### **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.

The Enforcement Chief used discretion under Regulation 18360.2 to exclude violations in six streamline cases presented with this report: Greg Keebler; FPPC No. 2017-00394 (Lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm that were corrected upon contact); Gabe Kearney for Petaluma City Council 2016 and Gabe Kearney; FPPC No. 2017-01214 (Lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm that were corrected upon contact); Committee to Re-Elect Marshall Long, Supervisory District 3, 2018, Marshall Long, and Karen Verdugo; FPPC No. 2018-00433 (The committee raised and spent less than \$10,000); Margaret Brown 4 CalPERS – 2017 and Margaret Brown; FPPC No. 2018-01492 (Lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm that were corrected upon contact); Denise Delgado for Coachella City Council 2020; FPPC No. 2020-00843 (Lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm that were corrected upon contact); Carole Marasovic for Berkeley Rent Board 2020, Carole Marasovic, and Heather Ovenden; FPPC No. 2021-00573 (Lack of experience or knowledge of the Act's requirements caused multiple violations with minimal public harm that were corrected upon contact).

## Behested Payment

**In the Matter of Curren Price; FPPC No. 21/318.** Staff: Angela Brereton, Chief of Enforcement and Amber Rodriguez, Assistant Political Reform Consultant. The respondent was represented by Joseph A. Guardarrama of Kaufman Legal Group. Curren Price, a member of the Los Angeles City Council, failed to timely file eight Behested Payment Reports, in violation of Government Code Section 84224 (8 counts). **Total Penalty: \$1,600 (Tier One).**

## Recordkeeping

**In the Matter of Veronica Robles-Solis for Supervisor 2020, Veronica Solis, and Yvonne Robles; FPPC No. 20/130.** Staff: Angela Brereton, Chief of Enforcement and Dominika Wojenska, Associate Governmental Program Analyst. Veronica Robles-Solis was an unsuccessful candidate for Ventura County Board of Supervisors in the March 3, 2020 Primary Election. Veronica Robles-Solis for Supervisor 2020 was Robles-Solis's candidate-controlled committee. Yvonne Robles was the Committee's treasurer. The Committee, Robles-Solis, and Robles failed to timely file two pre-election campaign statements, in violation of Government Code Section 84200.5 (2 counts), one semi-annual campaign statement, in violation of Government Code Section 84200 (1 count), and one 24-hour report, in violation of Government Code Section 84203 (1 count). The Committee, Robles-Solis, and Robles also failed to maintain adequate campaign records for contributions received, in violation of Government Code Section 84104 (1 count). **Total Penalty: \$1,244 (Tier One).**

## Advertisements

**In the Matter of Paso Robles Water Integrity Network and Cody Ferguson; FPPC No. 16/265.** Staff: Theresa Gilbertson, Senior Commission Counsel and George Aradi, Special Investigator. Paso Robles Water Integrity Network was a local primarily formed ballot measure committee that opposed measures A-16 and B-16 in connection with a local election held on March 8, 2016. Cody Ferguson was the Committee's principal officer. The Committee and Ferguson failed to include the proper advertisement disclaimers in a radio broadcast, tv/video broadcasts, three signs/billboards, flyers, and three mailers, in violation of Government Code Sections 84504 and 84305 (10 counts). Additionally, the Committee and Ferguson failed to timely amend the name of the Committee to include reference to the ballot measures it opposed, in violation of Government Code Section 84107 (1 count). **Total Penalty: \$2,550 (Tier One & Two).**

**In the Matter of Tai Do for Mayor 2020 and Tai Do; FPPC No. 20/728.** Staff: David E. Castro, Commission Counsel. Tai Do was an unsuccessful candidate for Westminster City Council, District 2 in the April 7, 2020 Special Election. Tai Do for Mayor 2020 is Do's candidate-controlled committee. The Committee and Do failed to include the proper advertisement disclaimers on a flyer distributed prior to the election, in violation of Government Code Sections 84502 and 84504.5 (2 counts). **Total Penalty: \$206 (Tier One).**

## Cash Contributions

**In the Matter of Committee to Re-Elect Marshall Long, Supervisor District 3 2018, Marshall Long, and Karen Verdugo, FPPC No. 18/433.** Staff: Theresa Gilbertson, Senior Commission Counsel and Paul Rasey, Special Investigator. Marshall Long was a successful candidate for Mariposa County Supervisor in the June 5, 2018 Primary Election. Committee to Re-Elect Marshall Long, Supervisor District 3 2018 was Long's candidate-controlled committee. Karen Verdugo was the Committee's treasurer. The Committee, Long, and Verdugo accepted cash contributions of \$100 or more, in violation of Government Code Section 84300 (1 count). **Total Penalty: \$850 (Tier Two.)**

## Campaign Late Filer/Reporter

**In the Matter of Margaret Brown 4 CalPERS – 2017 and Margaret Brown; FPPC No. 18/1492.** Staff: Jenna C. Rinehart, Commission Counsel and Patricia Ballantyne, Program Specialist II. Margaret Brown was a successful candidate for the California Public Employees' Retirement System Board of Administration in the October 2, 2017 and December 11, 2017 elections. Margaret Brown 4 CalPERS – 2017 was Brown's candidate-controlled committee. The Committee and Brown failed to timely file a pre-election campaign statement, in violation of Government Code Section 84200.5 (1 count), a semi-annual campaign statement in paper format, in violation of Government Code Section 84200 (1 count), and three 24-hour reports, in violation of Government Code Section 84203 (3 counts). The Committee and Brown also failed to timely report information required for expenditures made on three pre-election campaign statements, in violation of Regulation 18421.7 (3 counts) and failed to maintain adequate campaign records on one semi-annual and two preelection campaign statements, in violation of Government Code Section 84104 (3 counts). Additionally, Brown failed to timely file a Candidate Intention Statement, in violation of Government Code Section 85200 (1 count). **Total Penalty: \$2,627 (Tier One).**

**In the Matter of Neighbors for Sylvia Arenas for D8 City Council 2016 and Sylvia Arenas; FPPC No. 20/213.** Staff: Jenna C. Rinehart, Commission Counsel and Roone Petersen, Special Investigator. Sylvia Arenas was a successful candidate for San Jose City Council of District 8 in the November 8, 2016 General Election. Neighbors for Sylvia Arenas for D8 City Council 2016 is Arenas' candidate-controlled committee. The Committee and Arenas failed to timely file seven semi-annual campaign statements, in violation of Government Code Section 84200 (7 counts) and failed to timely report certain contributions and expenditures on a preelection and semi-annual campaign statement, in violation of Government Code Section 84211 (2 counts). **Total Penalty: \$2,511 (Tier One & Two).**

**In the Matter of Mary E. McBean for Mayor 2018 and Mary McBean; FPPC No. 18/849.** Staff: Alex Rose, Commission Counsel. Mary McBean was an unsuccessful candidate for Mayor of Moreno Valley in the November 6, 2018 General Election. Mary E. McBean for Mayor 2018 was McBean's candidate-controlled committee. The Committee and McBean failed to timely file two pre-election campaign statements, in violation of Government Code Section 84200.5 (2 counts), one semi-annual campaign statement, in violation of Government Code Section 84200 (1 count), one 24-hour report, in violation of Government Code Section 84203 (1 count), and

failed to timely amend the Committee's Statement of Organization to indicate the date of qualification, in violation of Government Code Section 84103 (1 count). **Total Penalty: \$2,325 (Tier One & Two).**

**In the Matter of Friends of Montesino for Council 2020, Eduardo Montesino, and Lidia Montesino; FPPC No. 18/644.** Staff: Alex Rose, Commission Counsel. Eduardo Montesino was a successful candidate for Watsonville City Council in the November 3, 2020 General Election. Friends of Montesino for Council 2020 was Montesino's candidate-controlled committee. Lidia Montesino was the Committee's treasurer. The Committee, Montesino, and Montesino failed to timely file eight semi-annual campaign statements, in violation of Government Code Section 84200 (8 counts) and two preelection campaign statements, in violation of Government Code Section 84200.5 (2 counts). **Total Penalty: \$2,005 (Tier One).**

**In the Matter of Carole Marasovic for Berkeley Rent Board 2020, Carole Marasovic, and Heather Ovenden; FPPC No. 21/573.** Staff: Angela Brereton, Chief of Enforcement and Tara Stock, Intake Manager. Carole Marasovic was an unsuccessful candidate for the Berkeley Rent Stabilization Board in the November 3, 2020 General Election. Carole Marasovic for Berkeley Rent Board 2020 is **Marasovic's** candidate-controlled committee. Heather Ovenden is the Committee's treasurer. The Committee, Marasovic, and Ovenden failed to timely file a semi-annual campaign statement, in violation of Government Code Section 84200 (1 count) and three 24-hour reports, in violation of Government Code Section 84203 (3 counts). **Total Penalty: \$1,722 (Tier One & Two).**

**In the Matter of Hometown Voter Guide and Michael Johnson; FPPC No. 17/120.** Staff: Angela Brereton, Chief of Enforcement and Dominika Wojenska, Associate Governmental Program Analyst. Hometown Voter Guide is a slate mailer organization. Michael Johnson served as the Organization's treasurer. Hometown Voter Guide and Johnson failed to timely file a preelection campaign statement, in violation of Government Code Section 84218 (1 count) and two 24-hour reports, in violation of Government Code Section 84220 (2 counts). **Total Penalty: \$1,200 (Tier One).**

**In the Matter of Gabe Kearney for Petaluma City Council 2016 and Gabe Kearney; FPPC No. 17/1214.** Staff: Theresa Gilbertson, Senior Commission Counsel. Gabe Kearney was a successful candidate for the Petaluma City Council in the November 8, 2016 General Election. Gabe Kearney for Petaluma City Council 2016 was Kearney's candidate-controlled committee. The Committee and Kearney failed to timely file a preelection campaign statement, in violation of Government Code Section 84200.5 (1 count), two semi-annual campaign statements, in violation of Government Code Section 84200 (2 counts), and failed to timely amend the Committee's Statement of Organization to indicate the date of qualification, in violation of Government Code Section 84103 (1 count). **Total Penalty: \$973 (Tier One).**

**In the Matter of Kathy Miller for Supervisor in 2018, Katherine Miller, and Greg Frank; FPPC No. 21/853.** Staff: Chief of Enforcement, Angela Brereton and Chloe Hackert, Political Reform Consultant. Katherine Miller was a successful candidate for San Joaquin County Supervisor in the June 5, 2018 Primary Election. Kathy Miller for Supervisor in 2018 was Miller's candidate-controlled committee. Greg Frank was the Committee's treasurer. The

Committee, Miller, and Frank failed to timely report subvendor expenditures on two campaign statements, in violation of Government Code Section 84211 (2 counts). **Total Penalty: \$905 (Tier One).**

**In the Matter of Eleanor Thompson for Richmond City Council 2020, Eleanor Thompson, and Tisa Thompson; FPPC No. 21/628.** Staff: Angela Brereton, Chief of Enforcement and Staff Services Analyst, Shaina Elkin. Eleanor Thompson was an unsuccessful candidate for Richmond City Council in the November 3, 2020 General Election. Eleanor Thompson for Richmond City Council 2020 is Thompson's candidate-controlled committee. Tisa Thompson is the Committee's treasurer. The Committee, Thompson, and Thompson failed to timely file a pre-election campaign statement, in violation of Government Code Section 84200.5 (1 count) and a 24-hour report, in violation of Government Code Section 84203 (1 count). **Total Penalty: \$809 (Tier One & Two).**

**In the Matter of Associated Students of Antelope Valley College; FPPC No. 21/184.** Staff: Megan A. Van Arsdale, Commission Counsel and Lance Hachigian, Special Investigator. The Respondent was represented by Lacey Keys of Keys Law Corporation. Associated Students of Antelope Valley College qualified as a major donor committee in 2016. The Committee failed to timely file a 24-hour report, in violation of Government Code Section 84203 (1 count) and a semi-annual campaign statement, in violation of Government Code Section 84200(b) (1 count). **Total Penalty: \$800 (Tier One).**

**In the Matter of Denise Delgado for Coachella City Council 2020, Denise Delgado, and Zulayka Acosta; FPPC No. 20/843.** Staff: Angela Brereton, Chief of Enforcement and Ginny Lambing, Political Reform Consultant. Denise Delgado was a successful candidate for Coachella City Council in the November 3, 2020, General Election. Denise Delgado for Coachella City Council 2020 was Delgado's candidate-controlled committee. Zulayka Acosta was the Committee's treasurer. The Committee, Delgado, and Acosta failed to timely file one pre-election campaign statement, in violation of Government Code Section 84200.5 (1 count) and one 24-hour report, in violation of Government Code Section 84203 (1 count). **Total Penalty: \$777 (Tier One & Two).**

**In the Matter of Diamond Construction & Design; FPPC No. 17/251.** Staff: Ruth Yang, Senior Commission Counsel. Diamond Construction & Design qualified as an independent expenditure committee in 2017. The Committee failed to timely file two 24-hour reports, in violation of Government Code Section 84204 (2 counts). **Total Penalty: \$484 (Tier One).**

**In the Matter of George Ting for El Camino Healthcare District Board Election Committee 2018 and George Ting; FPPC No. 19/1538.** Staff: Angela Brereton, Chief of Enforcement and Tara Stock, Intake Manager. George Ting was a successful candidate for El Camino Healthcare District Board in the November 6, 2018 General Election. George Ting for El Camino Healthcare District Board Election Committee 2018 was Ting's candidate-controlled committee. The Committee and Ting failed to timely file a semi-annual campaign statement, in violation of Government Code Section 84200 (1 count). **Total Penalty: \$215 (Tier One).**

**In the Matter of Amanda Parrell; FPPC No. 19/1322.** Staff: Marissa Nash, Commission Counsel. Amanda Parrell, as a Trustee for Antelope Valley Union High School District, failed to timely file an Officeholder and Candidate Campaign Statement Short Form (Form 470), in violation of Government Code Section 84206 (1 count). **Total Penalty: \$200 (Tier One).**

## Lobbying

**In the Matter of Premier Healthcare Services LLC; FPPC No. 20/455.** Staff: Angela Brereton, Chief of Enforcement and Ginny Lambing, Political Reform Consultant. Premier Healthcare Services LLC, a lobbyist employer, failed to timely file five lobbyist employer quarterly reports, in violation of Government Code Section 86117 (5 counts). **Total Penalty: \$2,400 (Tier One & Two).**

## Statement of Economic Interests Late Filer

**In the Matter of Greg Keebler; FPPC No. 17/394.** Staff: Jenna C. Rinehart, Commission Counsel. Greg Keebler, a Board Member for the Long Beach Area Convention and Visitor's Bureau, failed to timely file a 2016 Annual, 2017 Annual, and a 2018 Annual/Leaving Office Statement of Economic Interests, in violation of Government Code Section 87300 (3 counts). **Total Penalty: \$2,400 (Tier One).**

**In the Matter of Peter De La Torre; FPPC No. 19/1398.** Staff: David E. Castro, Commission Counsel. Peter De La Torre, as a Planning Commissioner for the City of Desert Hot Springs, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Penalty: \$600 (Tier Two).**

**In the Matter of Casey Clark; FPPC No. 21/599.** Staff: Alex Rose, Commission Counsel. Casey Clark, a Personnel Commissioner for the City of Watsonville, failed to timely file a 2018 Annual, 2019 Annual, and a 2020 Annual/Leaving Office Statement of Economic Interests, in violation of Government Code Section 87300 (3 counts). **Total Penalty: \$600 (Tier One).**

**In the Matter of Minerva Martinez; FPPC No. 17/943.** Staff: Bridgette Castillo, Senior Commission Counsel and George Aradi, Special Investigator. Minerva Martinez, as a member of the Southeast Regional Solid Waste Commission, failed to timely file a 2017 Annual and a Leaving Office Statement of Economic Interests, in violation of Government Code Sections 87300 and 87302 (2 counts). **Total Penalty: \$400 (Tier One).**

**In the Matter of Mohsen Pazooki; FPPC No. 17/1032.** Staff: Jenna C. Rinehart, Commission Counsel. Mohsen Pazooki, as a Supervising Transportation Engineer for the Department of Transportation, failed to timely file a 2018 Annual and a Leaving Office Statement of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Total Penalty: \$400 (Tier One).**

**In the Matter of Kenneth Wenham; FPPC No. 18/561.** Staff: Marissa Nash, Commission Counsel. Kenneth Wenham, Board Member for Rising Sun Montessori School, failed to timely

file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$400 (Tier One).**

**In the Matter of Jeremy Hayward; FPPC No. 19/908.** Staff: Angela Brereton, Chief of Enforcement and Taylor Culberson, Assistant Political Reform Consultant. Jeremy Hayward, a Board Member for the Community Action Board of Shasta County, failed to timely file an Assuming Office and a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Total Penalty: \$400 (Tier One).**

**In the Matter of Dino Giacomazzi; FPPC No. 19/793.** Staff: Marissa Nash, Commission Counsel. Dino Giacomazzi, as a member of the Veterinary Diagnostics Laboratory Board, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty \$400 (Tier One).**

**In the Matter of Gabe Kearney; FPPC No. 19/1157.** Staff: Theresa Gilbertson, Senior Commission Counsel. Gabe Kearney, a member of the Petaluma City Council, failed to timely file a 2018 Annual and a 2019 Annual Statement of Economic Interests, in violation of Government Code Section 87200 (2 counts). **Total Penalty: \$400 (Tier One).**

**In the Matter of Sergio Diaz; FPPC No. 19/1199.** Staff: Marissa Nash, Commission Counsel. Sergio Diaz, as a Planning Commissioner for the City of Soledad, failed to timely file an Assuming Office and 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87202 and 87300 (2 counts). **Total Penalty: \$400 (Tier One).**

**In the Matter of Brenda Hanson-Smith; FPPC No. 19/823.** Staff: Angela Brereton, Chief of Enforcement and Chloe Hackert, Political Reform Consultant. Brenda Hanson-Smith, as a Board Member of the Buckeye Union School District, 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 Michael Roesner; FPPC No. 19/289.** Staff: Marissa Nash, Commission Counsel. Michael Roesner, as a Planning Commissioner for the City of Del Rey Oaks, failed to timely file an Assuming Office Statement of Economic Interest, in violation of Government Code Section 87202 (1 count). **Total Penalty: \$200 (Tier One).**

**In the Matter of Julian McMillan; FPPC No. 19/309.** Staff: Chief of Enforcement, Angela Brereton and Chloe Hackert, Political Reform Consultant. Julian McMillan, as a Board Member for America's Finest Charter School, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$200 (Tier One).**

**In the Matter of Jason Lopez; FPPC No. 19/1291.** Staff: Angela Brereton, Chief of Enforcement and Amber Rodriguez, Assistant Political Reform Consultant. Jason Lopez, a Resources and Trails Manager for the San Dieguito River Park Joint Powers Authority, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$200 (Tier One).**

**In the Matter of Rachael Moore; FPPC No. 21/255.** Staff: Angela Brereton, Chief of Enforcement and Kimberly Rawnsley, Staff Services Analyst. Rachael Moore, a Planning Commissioner for the City of Fortuna, 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).**

### **Statement of Economic Interests Late Reporter**

**In the Matter of Gagandeep Kang; FPPC No. 21/742.** Staff: Angela Brereton, Chief of Enforcement and Ginny Lambing, Political Reform Consultant. Gagandeep Kang, a member of the Livingston City Council, failed to timely report two interests in real property on an Assuming Office, 2019 Annual, and a 2020 Annual Statement of Economic Interests, in violation of Government Code Section 87206 (6 counts). **Total Penalty: \$600 (Tier One).**

**In the Matter of Max Hollein; FPPC No. 18/1563.** Staff: Jenna C. Rinehart, Commission Counsel and George Aradi, Special Investigator. Max Hollein, as a Director for the Fine Arts Museums of San Francisco, failed to timely report a business position and income on the 2016 Annual, 2017 Annual, and Leaving Office Statements of Economic Interest, in violation of Government Code Sections 87207 and 87209 (3 counts). **Total Penalty: \$300 (Tier One).**

**In the Matter of Ed Prohaska; FPPC No. 18/1563.** Staff: Jenna C. Rinehart, Commission Counsel and George Aradi, Special Investigator. Ed Prohaska, as a Director for the Fine Arts Museums of San Francisco, failed to timely report a business position and income on the Assuming Office and Leaving Office Statements of Economic Interest, in violation of Government Code Sections 87207 and 87209 (2 counts). **Total Penalty: \$200 (Tier One).**

**In the Matter of Charles Castillo; FPPC No. 18/1563.** Staff: Jenna C. Rinehart, Commission Counsel and George Aradi, Special Investigator. Charles Castillo, as a Director for the Fine Arts Museums of San Francisco, failed to timely report income on the 2016 Annual and 2017 Annual Statements of Economic Interest, in violation of Government Code Section 87207 (2 counts). **Total Penalty: \$200 (Tier One).**

**In the Matter of Thomas Campbell; FPPC No. 18/1563.** Staff: Jenna C. Rinehart, Commission Counsel and George Aradi, Special Investigator. Thomas Campbell, Director of the Fine Arts Museums of San Francisco, failed to timely report a business position on the Assuming Office Statement of Economic Interests, in violation of Government Code Section 87209 (1 count). **Total Penalty: \$100 (Tier One).**

**In the Matter of Matt Haney; FPPC No. 21/632.** Staff: Angela Brereton, Chief of Enforcement and Amber Rodriguez, Assistant Political Reform Consultant. The respondent was represented by Eric S. Casher of Meyers Nave. Matt Haney, a member of the San Francisco Board of Supervisors, failed to timely disclose a gift of two game tickets from the Golden State Warriors on the 2019 Annual Statement of Economic Interests, in violation of Government Code Section 87207 (1 count). **Total Penalty: \$100 (Tier One).**

## II. LEGAL DIVISION

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STAFF: DAVE BAINBRIDGE, GENERAL COUNSEL

### A. Pending Litigation

***Mat Wahlstrom v. FPPC, Steven J. Kaufman and Kaufman Legal Group, APC***

San Diego County Superior Court, Central Division

Case No. 37-2020-00030654-CU-WMCTL

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 timely filed an answer to the complaint. Petitioner filed an amended petition on May 12, 2021. The Commission filed a demurrer to the amended petition that is set for hearing on December 10, 2021, at 8:30 a.m. in Department 65 before Judge Ronald F. Frazier.

### B. Outreach and Training

#### *Webinars*

- October 11<sup>th</sup>, the FPPC hosted a Candidate/Treasurer webinar. Political Reform Consultants, Alex Castillo, and Adam Ramirez, presented. 8 people attended.
- October 19<sup>th</sup>, the FPPC hosted a Campaign Filing Officer webinar. Political Reform Consultants, Alex Castillo, and Stephen Hernandez, presented. 8 people attended.
- October 26<sup>th</sup>, the FPPC hosted a Statement of Economic Interests (Form 700) Filing Officer webinar. Political Reform Consultants Alex Castillo, and Adam Ramirez, presented. 14 people attended.
- October 28<sup>th</sup>, the FPPC hosted a Statement of Economic Interests (Form 700) webinar. Political Reform Consultant Katie Trumbly, presented. 6 people attended.

#### *Scheduled Webinars*

- November 3<sup>rd</sup>, the FPPC is hosting a Candidate/Treasurer webinar.
- November 16<sup>th</sup>, the FPPC is hosting a Statement of Economic Interests Filing Officer webinar.
- November 17<sup>th</sup>, the FPPC is hosting a Statement of Economic Interests (Form 700) webinar.

### *Video Tutorials*

- Commission video tutorials were accessed a total of 292 times in October. Form 700 videos were accessed 162 times, the Candidate/Treasurer video was accessed 66 times, and the filing officer videos were accessed 64 times.

### **C. Advice**

The October Advice Letter Report is available at <https://www.fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports/2021-advice-letter-reports/FPPC-advice-letter-report-oct-2021.html>.

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

- ***Education Program:*** The Education Program responded to 283 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 503 email requests for advice, 72 of which were not responded to within 24 hours.
- ***Advice Letters:*** The Legal Division received 9 advice letter requests under the Political Reform Act and completed 3.
- ***Section 1090 Letters:*** The Legal Division received 7 advice letter request concerning Section 1090 and completed 4. This year to date, we have received 58 advice requests regarding Section 1090.

### **D. Miscellaneous Decisions**

#### **Exemption Requests**

Regulation 18740 provides that an official or candidate is not required to disclose the name of a person under Section 87207 if disclosure would violate California or Federal law. The following exemption was approved in October:

- George Albert Acero, Judge, Sacramento County Superior Court

### **E. Potential Upcoming Regulations**

The regulations calendar for 2022 will be presented at the January 2022 Commission meeting.

## **F. Conflict of Interest Codes**

### **Adoptions and Amendments**

#### *State Agencies*

- Air Resources Board
- Labor and Workforce Development Agency

#### *Multi-County Agencies*

- Balancing Authority of Northern CA JPA (BANC)
- Central California Irrigation District
- CSCDA Community Improvement Authority
- East Turlock Subbasin Groundwater Authority
- Inland Empire Health Plan JPA
- Inland Empire Health Plan Health Access JPA
- KIPP Bay Area Schools
- Las Virgenes Unified School District
- Public Risk Innovation, Solutions, and Management (PRISM)
- Redwood Community College District
- San Luis Unit/Westlands Water District Financing Authority
- Tahoe City Public Utility District
- Tahoe Forest Hospital District-all with District
- Truckee Tahoe Airport District

### **Exemptions**

- None

### **Extensions**

- None

## G. Probable Cause Hearings

*Please note, a finding of probable cause does not constitute a finding that a violation has occurred. The respondents are presumed to be innocent of any violation of the Act unless a violation is proven in a subsequent proceeding.*

*The following matters were decided based solely on the papers. The respondents did not request a probable cause hearing.*

- 1. *In the Matter of Laura Franco-Perez, Case No. 2018-00083.*** On October 14, 2021, probable cause was found to believe Respondent committed the following violations of the Act:

Count 1: Franco-Perez failed to timely file their Assuming Office SEI by the August 26, 2017 due date, in violation of Government Code Section 87202.

Count 2: Franco-Perez failed to timely file their 2017 Annual SEI by the April 2, 2018 due date, in violation of Government Code Section 87203.

Count 3: Franco-Perez failed to timely file their Leaving Office SEI by the June 6, 2018 due date, in violation of Government Code Section 87204.

- 2. *In the Matter of Marisa Llamas, Case Nos. 2019-00254.*** On September 5, 2021, probable cause was found that Respondent committed the following violations of the Act:

Count 1: Failure to Timely File a 2017 Annual SEI

Respondent failed to timely file a 2017 Annual SEI by April 2, 2018, in violation of Government Code section 87203.

Count 2: Failure to Timely File a 2019 Annual SEI

Respondent failed to timely file a 2019 Annual SEI by April 2, 2018, in violation of Government Code section 87203.

- 3. *In the Matter of Irma Lopez for Hartnell College 2015, Irma Lopez for Trustee 4, 2018, Irma Lopez, Gloria Lockwood, and Laura Rodriguez, Case No. 2018-00587.*** On October 22, 2021, probable cause was found that Respondents committed the following violations of the Act:

*As to the 2015 Hartnell Committee, Lopez, and Lockwood:*

Count 1: Failure to Timely File a 24-Hour Contribution Report

The 2015 Committee, Lopez, and Lockwood failed to timely file a 24-hour contribution report for the \$10,000 contribution from the Salinas Valley Leadership Group received on September 8, 2015 and due by September 9, 2015 in violation of Government Code section 84203.

Count 2: Failure to Timely File a Pre-Election Campaign Statement

The 2015 Committee, Lopez, and Lockwood failed to timely file a pre-election campaign statement for the reporting period of January 1, 2015 through September 19, 2015, due September 24, 2015, in violation of Government Code section 84200.5.

Count 3: Failure to Timely File a 24-Hour Contribution Report

The 2015 Committee, Lopez, and Lockwood failed to timely file a 24-hour contribution report for the \$1,600 contribution from the Salinas Valley Leadership Group received on October 26, 2015 and due by October 27, 2015 in violation of Government Code section 84203.

Count 4: Failure to Timely File a Semi-Annual Campaign Statement

The 2015 Committee, Lopez, and Lockwood failed to timely file the semi-annual campaign statement for the reporting period of October 18, 2015 through December 31, 2015, due February 1, 2016, in violation of Government Code section 84200.

Count 5: Failure to Timely File a Semi-Annual Campaign Statement

The 2015 Committee, Lopez, and Lockwood failed to timely file the semi-annual campaign statement for the reporting period of January 1, 2016 through June 30, 2016, due August 1, 2016, in violation of Government Code section 84200.

Count 6: Failure to Timely File a Semi-Annual Campaign Statement

The 2015 Committee, Lopez, and Lockwood failed to timely file the semi-annual campaign statement for the reporting period of July 1, 2016 through December 31, 2016, due January 31, 2017, in violation of Government Code section 84200.

Count 7: Failure to Timely File a Semi-Annual Campaign Statement

The 2015 Committee, Lopez, and Lockwood failed to timely file the semi-annual campaign statement for the reporting period of January 1, 2017 through June 30, 2017, due July 31, 2017, in violation of Government Code section 84200.

Count 8: Failure to Timely File a Semi-Annual Campaign Statement

The 2015 Committee, Lopez, and Lockwood failed to timely file the semi-annual campaign statement for the reporting period of July 1, 2017 through December 31, 2017, due January 31, 2018, in violation of Government Code section 84200.

Count 9: Failure to Timely File a Semi-Annual Campaign Statement

The 2015 Committee, Lopez, and Lockwood failed to timely file the semi-annual campaign statement for the reporting period of January 1, 2018 through June 30, 2018, due July 31, 2018, in violation of Government Code section 84200.

Count 10: Failure to Timely File a Semi-Annual Campaign Statement

The 2015 Committee, Lopez, and Lockwood failed to timely file the semi-annual campaign statement for the reporting period of July 1, 2018 through December 31, 2018, due January 31, 2019, in violation of Government Code section 84200.

Count 11: Failure to Timely File a Semi-Annual Campaign Statement

The 2015 Committee, Lopez, and Lockwood failed to timely file the semi-annual campaign statement for the reporting period of January 1, 2019 through June 30, 2019, due July 31, 2019, in violation of Government Code section 84200.

Count 12: Failure to Timely File a Semi-Annual Campaign Statement

The 2015 Committee, Lopez, and Lockwood failed to timely file the semi-annual campaign statement for the reporting period of July 1, 2019 through December 31, 2019, due January 31, 2020, in violation of Government Code section 84200.

*As to the 2018 Trustee Committee, Lopez, and Rodriguez:*

Count 13: Failure to Timely File a Semi-Annual Campaign Statement

The 2018 Committee, Lopez, and Rodriguez failed to timely file the semi-annual campaign statement for the reporting period of July 1, 2018 through December 31, 2018, due January 31, 2019, in violation of Government Code section 84200.

Count 14: Failure to Timely File a Semi-Annual Campaign Statement

The 2018 Committee, Lopez, and Rodriguez failed to timely file the semi-annual campaign statement for the reporting period of January 1, 2019 through June 30, 2019, due July 31, 2019, in violation of Government Code section 84200.

Count 15: Failure to Timely File a Semi-Annual Campaign Statement

The 2018 Committee, Lopez, and Rodriguez failed to timely file the semi-annual campaign statement for the reporting period of July 1, 2019 through December 31, 2019, due January 31, 2020, in violation of Government Code section 84200.

## **III. ADMINISTRATION & TECHNOLOGY DIVISION**

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STAFF: LORESSA HON, CHIEF OF ADMINISTRATION

### **New Employee Report**

#### **Legal Division**

Chloe Hackert, Staff Services Manager II (Promotion)

Dominika Wojenska, Staff Service Manager I (Promotion)

Brianne Kilbane, Political Reform Consultant II (Promotion)

### **Statement of Economic Interest (Form 700)**

As of November 1, 2021, there were 229 Form 700 non-filers of the 2020/2021 Annual Form 700 filing. The Statement of Economic Interest Unit has made 184 non-filer referrals to the Enforcement Division.