



**(Unapproved and subject to change)**  
**CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION**  
**MINUTES OF HEARING, Public Session**  
**Thursday, October 20 2016**

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 10:00 am on October 20, 2016, at the Fair Political Practices Commission, 428 J Street, Sacramento, CA 95814. Chair Remke and Commissioners Wasserman, and Wynne were present. Commissioner Audero was present via teleconference.

**Welcome**

Jodi Remke, FPPC Chair

Chair Remke announced the launch of the new Enforcement Case Management System and the Electronic Complaint System.

**Public Comment**

**1. Public Comment.**

John O. Pickney, SBEMP Attorneys, represents Mr. Frank Burgess, closed session item 24, stated that the action taken against Mr. Burgess violated his rights under the United States and California Constitutions.

**Approval of Commission Minutes**

**2. Approval of September 2016 Commission Hearing Minutes.**

Commissioner Wasserman stated that Commissioner Audero's name was misspelled on page 7.

Commissioner Wynne made a motion to approve item 2 as amended, Commissioner Wasserman seconded the motion.

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

### **CONSENT CALENDAR ITEMS 3 – 21**

Item 3 was pulled at the request of Commissioner Audero.

Commissioner Wynne made a motion to approve items 4-21, Commissioner Audero seconded the motion.

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

### **Consent Calendar 3 – 21**

#### **Campaign Reporting**

- 3. In the Matter of Luis Castro, Committee to Elect Luis Castro for Calexico City Council Member 2012, and Ana Castro, Treasurer; FPPC Case No. 13/1200.** Staff: Senior Commission Counsel Neal Bucknell and Chief Investigator Sandra Buckner. In 2012, Luis Castro was a successful candidate for re-election to the Calexico City Council. Committee to Elect Luis Castro for Calexico City Council Member 2012 was his candidate controlled committee, and his wife, Ana Castro, was the committee treasurer. The committee failed to use a single, designated campaign bank account, in violation of Government Code Section 85201 (1 count); accepted unlawful cash contributions and expenditures in violation of Government Code Section 84300, subdivisions (a) and (b) (1 count). The committee also failed to timely file two pre-election campaign statements in violation of Government Code Sections 84200.5, subdivision (b), and 84200.7, subdivision (b) (1 count). **Total Proposed Penalty: \$7,000.**

Commissioner Audero asked about the possibility of more than \$5,800 being contributed. Chief of Enforcement Galena West stated that the money did not go through the campaign bank account so Enforcement provides a number closest to the known amount and not an exact dollar amount.

Commissioner Audero asked what impact the closeness of the election had on the penalty amount. Chief West said public harm is taken into consideration and whether the win was a landslide or not.

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

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

### **Advertising Disclosures**

- 4. In the Matter of the Hemet Taxpayers Association; FPPC No. 16/426.** Staff: Commission Counsel Michael W. Hamilton and Special Investigator Marshall Miller. The Hemet Taxpayers Association, a general purpose committee in the City of Hemet, produced several campaign signs opposing Measure E that did not adequately disclose the committee as the source of the advertisements, in violation of Government Code Section 84504, subdivision (c). **Total Proposed Penalty: \$2,000.**

### **Lobbying Reporting**

- 5. In the Matter of California Workers' Compensation Defense Attorneys Association; FPPC No. 15/309.** Staff: Commission Counsel Toren Lewis. California Workers' Compensation Defense Attorneys Association failed to file two lobbyist employer reports covering the period of July 1, 2014 through December 31, 2014, in violation of Government Code Section 86117 (2 counts). **Total Proposed Penalty: \$400.**

### **Campaign Non-Filer**

- 6. In the Matter of John McPartland for BART Director 2012, John McPartland, and Kenneth Pon, Treasurer; FPPC No. 16/299.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Graduate Legal Assistant Amanda Kelly. John McPartland was a successful candidate for BART Board of Directors District 5 in the November 6, 2012 election. John McPartland for BART Director 2012 is McPartland's candidate controlled committee. Kenneth Pon is the committee's treasurer. The Committee, McPartland, and Pon failed to timely file one pre-election statement and six semiannual campaign statements, in violation of Government Code Sections 84200, 84200.5, subdivision (b), and 84200.7, subdivision (b) (2 counts). **Total Proposed Penalty: \$3,500.**
- 7. In the Matter of Janet McClean and Janet McClean for SMUSD School Board 2012; FPPC Case No. 15/287.** Staff: Commission Counsel Tanya Smith, Special Investigator Garrett Micheels, and Intern Andrew Neiman. Janet McClean was a successful candidate for the San Marcos Unified School District Governing Board on November 6, 2012. Janet McClean for SMUSD School Board 2012 is her candidate controlled committee. McClean and her committee failed to timely file one late contribution report due by October 5, 2012, in violation of Government Code Section 84203 (1 count). The committee failed to timely file five semiannual campaign statements covering the period of July 1, 2013 through June 30, 2016, in violation of Government Code Section 84200 (5 counts). **Total Proposed Penalty: \$1,227.**

- 8. In the Matter of Friends of Jim Cartmill Legal Defense Fund, Friends of Jim Cartmill Sweetwater Union High School District Area 3 2014, Jim Cartmill, and Dave Ruch, Treasurer; FPPC No. 16/295.** Staff: Chief of Enforcement Galena West and Assistant Political Reform Consultant Chloe Hackert. Jim Cartmill was an unsuccessful candidate for Sweetwater Union High School District Trustee in the November 4, 2014 General Election. Friends of Jim Cartmill Sweetwater Union High School District Area 3 2014 is his candidate controlled committee. Friends of Jim Cartmill Legal Defense Fund is his legal defense committee. Friends of Jim Cartmill Sweetwater Union High School District Area 3 2014, Friends of Jim Cartmill Legal Defense Fund, Jim Cartmill, and Treasurer Dave Ruch failed to timely file two semiannual campaign statements for the period of July 1, 2015 through December 31, 2015, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$481.**
- 9. In the Matter of Newell Arnerich, Arnerich for Assembly 2014, and Robert Storer, Treasurer; FPPC No. 15/1298.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Graduate Legal Assistant Amanda Kelly. Newell Arnerich was an unsuccessful candidate for the California State Assembly. Arnerich for Assembly 2014 is his candidate controlled committee. Robert Storer is the committee's treasurer. Arnerich for Assembly 2014, Arnerich, and Storer failed to timely file two semiannual campaign statements covering the periods of January 1, 2015 through December 31, 2015, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$449.**
- 10. In the Matter of Melinda Vasquez, Melinda Vasquez for Assembly 2016, and Kelvin Barrios, Treasurer; FPPC No. 16/512.** Staff: Enforcement Chief Galena West and Enforcement Division Intake Manager Adrienne Korchmaros. Melinda Vasquez is a candidate for Assembly in the November 8, 2016 election. Melinda Vasquez for Assembly 2016 is Vasquez's candidate controlled committee. Kelvin Barrios is the committee's treasurer. The committee, Vasquez and Barrios failed to timely file one pre-election campaign statement covering the period April 24, 2016 through May 21, 2016, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$405.**
- 11. In the Matter of Friends of Gina Cuclis for Supervisor 2016, Gina Cuclis, and Roy Tennant, Treasurer; FPPC No. 16/784.** Staff: Chief of Enforcement Galena West and Assistant Political Reform Consultant Chloe Hackert. Gina Cuclis was an unsuccessful candidate for Sonoma County Supervisor in the June 7, 2016 Primary Election. Friends of Gina Cuclis for Supervisor 2016 is her candidate controlled committee. Roy Tennant is the committee's treasurer. Cuclis, Friends of Gina Cuclis for Supervisor 2016, and

Tennant received a non-monetary contribution totaling \$1,355 during the 90 days before the Primary Election and failed to file one 24-hour late contribution report, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$213.**

- 12. In the Matter of Jeffrey M. Herdman; FPPC No. 15/2266.** Staff: Senior Commission Counsel Angela Brereton and Special Investigator Jay Martin. Jeffrey M. Herdman is a candidate for the Newport Beach City Council for the November 8, 2016 election. Herdman solicited and received contributions prior to filing his Candidate Statement of Intention (Form 501), in violation of Government Code Section 85200 (1 count). **Total Proposed Penalty: \$200.**

#### **Statement of Economic Interests Non-Filer**

- 13. In the Matter of Aaron Medina; FPPC No. 14/1040 (Default Decision).** Staff: Commission Counsel Michael W. Hamilton, Graduate Legal Assistant Amanda Kelly, and Staff Services Analyst Dominika Wojenska. Aaron Medina, a member of the California Travel and Tourism Commission, failed to file an Assuming Office Statement of Economic Interests, and Annual Statements of Economic Interests for the years of 2013 and 2014, in violation of Government Code 87300. **Total Proposed Penalty: \$15,000.**
- 14. In the Matter of Albert Duff Sr.; FPPC No. 16/621.** Staff: Enforcement Chief Galena West, Enforcement Intake Manager Adrienne Korchmaros, and Enforcement Division Intern Dylan Levine. Albert Duff Sr., as a Board Member for the Oxnard School District in the County of Ventura, failed to timely file his 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**
- 15. In the Matter of Perla Flores; FPPC File No. 16/049.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Graduate Legal Assistant Amanda Kelly. Perla Flores, as a member of the Santa Clara County Domestic Violence Council, failed to timely file her 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
- 16. In the Matter of Mike Bramlette; FPPC No. 16/617.** Staff: Enforcement Chief Galena West, Enforcement Intake Manager Adrienne Korchmaros, and Enforcement Division Intern Dylan Levine. Mike Bramlette, as a Director of the Santa Paula Unified School District in the County of Ventura, failed to timely file a 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**17. In the Matter of Lawrence Michael Sprague; FPPC No. 16/703.** Staff: Enforcement Chief Galena West, Enforcement Intake Manager Adrienne Korchmaros, and Enforcement Division Intern Dylan Levine. Lawrence Michael Sprague, as a Board Member for the Big Creek Elementary School in the County of Fresno, failed to timely file his 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

#### **Statement of Economic Interests Non-Reporter**

**18. In the Matter of Valentin Amezcuita; FPPC No. 16/758.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Graduate Legal Assistant Amanda Kelly. Valentin Amezcuita, a member of the Huntington Park City Council, failed to disclose a gift of a \$75 dinner from Alvarez-Glasman & Colvin on his 2015 Statement of Economic Interests, in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$100.**

#### **Annual Fee**

**19. In the Matter of Sergio Sanchez for Salinas City Council and Sergio Sanchez; FPPC No. 15/1422.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Graduate Legal Assistant Amanda Kelly. Sergio Sanchez for Salinas City Council, a local candidate committee, and Sergio Sanchez, treasurer, 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: \$400.**

**20. In the Matter of Families for Sergio Sanchez Mayor 2012 and Sergio Sanchez; FPPC No. 15/1423.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Graduate Legal Assistant Amanda Kelly. Families for Sergio Sanchez Mayor 2012, a local candidate committee supporting Salinas mayoral candidate Sergio Sanchez, and Sergio Sanchez, treasurer, 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: \$400.**

**21. In the Matter of Sanchez for Supervisor 2012 and Sergio Sanchez; FPPC No. 15/1462.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Graduate Legal Assistant Amanda Kelly. Sanchez for Supervisor 2012, a local candidate committee supporting Monterey County Board of Supervisors candidate Sergio Sanchez, and Sergio Sanchez, treasurer, 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: \$400.**

## **General Items (22-23)**

**22. Update of the “Guide to the Gift Regulations” and adoption of Form 807 in response to the enactment of SB 21 in 2015. Amend Regulation 18940 and adopt Form 807.** Staff: General Counsel Hyla Wagner and Commission Counsel Matthew Christy. SB 21 (Stats. 2015, ch. 757) amended the Act to: (1) additionally require filers of statements of economic interests, in the case of a gift that is a “travel payment, advance, or reimbursement,” to disclose the travel destination, and (2) to require certain 501(c)(3) and 501(c)(4) nonprofit organizations that make specified types of travel payments, advances, or reimbursements for travel by an elected state officer or local elected officeholder to disclose the names of certain donors to the organization. Staff proposes that the Commission amend Regulation 18940, the “Guide to the Gift Regulations,” to provide additional notice of SB 21’s new disclosure requirements and further direction on how a covered nonprofit organization should disclose covered donors, and adopt Form 807 to facilitate a covered organization’s disclosure.

Commissioner Wynne made a motion to approve items 22, Commissioner Audero seconded the motion.

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

**23. Legislative Update for October 2016.** Staff: Phillip Ung, Governor Brown has concluded his actions on legislation and signed four bills that amend the Political Reform Act.

Commissioner Wynne asked about the money associated with the bills passed and asked what the plan is. Executive Director Erin Peth said that the FPPC is working with the Department of Finance so that it can be incorporated into the budget and funding would be provided July 1.

The report was submitted.

### **Closed Session Item 24**

**24. Pending Litigation.** (Gov. Code Sec. 11126(e)(1). Deliberation on *Burgess v. FPPC*, Riverside Superior Court Case No: RIC-1510656.

The Commission voted to let the September 15, 2016 judgement stand in the Burgess matter and will timely file a return confirming that the Commission has vacated and set aside its decision in this matter and dismissed the administrative proceedings against Mr. Burgess.

**Executive Staff Reports Item 25**

**25. 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 Wynne seconded the motion.

Ayes: Commissioners Audero, Wasserman, Wynne, and Chair Remke.

The motion passed 4 to 0.

The meeting adjourned at 11:25am.

Respectfully Submitted,

Sheva Tabatabaiejad

Commission Assistant

Approved November 2, 2016

Joann Remke, Chair

Fair Political Practices Commission