



(Approved September 19, 2019)  
**CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION**  
**MINUTES OF HEARING, Public Session**  
**Thursday, August 15, 2019**  
**11:00 a.m.**

Present: Chair Miadich, Commissioner Cardenas, Commissioner Hatch, and  
Commissioner Hayward

Staff Present: Thomas Jones, Executive Director  
Dave Bainbridge, General Counsel  
Brian Lau, Assistant General Counsel  
Galena West, Enforcement Chief  
Loressa Hon, Chief of Administration  
Zachary Norton, Senior Commission Counsel  
Kevin Cornwall, Commission Counsel  
Ryan O'Connor, Commission Counsel  
Karen Harrison, Commission Counsel  
Phillip Ung, Legislative Director  
Sasha Linker, Commission Assistant

**A. Call to Order**

Chair Miadich called the meeting to order at 11:00 a.m.

**B. Public Comment for Items not on the Agenda**

No public comment for items not on the Agenda.

**C. Approval of Minutes of Prior Meeting**

**MOTION:** Approve the July 18, 2019 meeting minutes. Moved by Commissioner Hatch, seconded by Commissioner Hayward. Motion approved 4-0.

**D. Approval of Enforcement Consent Calendar.**

**MOTION:** Motion to approve items 4, 5, and 7. Moved by Commissioner Hayward, seconded by Commissioner Hatch. Motion approved 4-0.

**MOTION:** Motion to approve item 3. Moved by Commissioner Hayward, seconded by Commissioner Cardenas. Motion approved 3-0 with Commissioner Hatch recusing himself.

**MOTION:** Motion to approve item 6. Moved by Commissioner Hayward, seconded by Commissioner Hatch. Motion approved 4-0.

**E. Assignment of Hearing to Administrative Law Judge in Docket No. 15/078.**

In the matter of Consumers for Choice (FPPC Case No. 15/078), the item will move forward to an administrative hearing (no further action by the Commission).

**F. Enforcement Task Force.**

**MOTION:** Motion to formally terminate the Enforcement Task Force. Moved by Chair Miadich, seconded by Commissioner Hatch. Motion approved 4-0.

Chair Miadich stated that he intends to follow up on the Enforcement Task Force recommendation that there be regularly scheduled meetings to talk about Enforcement priorities. Further, the Chair stated that the Commission intends to hold a special meeting in November 2019 that will be exclusively dedicated to a discussion of Enforcement priorities.

**G. Prenotice Discussion of Amendments to Regulation 18419 (“Sponsored Committees”).**

Chair Miadich asked staff to clarify the additional requirements under the amendments and how they differ from the current law. Commissioner Hayward stated that she did not fully support the language of the underlying statute. Commissioner Hatch suggested that this issue should be considered legislatively in the future, and suggested that FPPC may wish to sponsor such legislation.

**H. Discussion of Remote Participation in Meetings by Members of the Public.**

**MOTION:** Motion to authorize staff to pilot the public participation website at the next meeting. Moved by Chair Miadich, seconded by Commissioner Hatch. Motion approved 4-0.

**MOTION:** Motion for Staff to develop rules for both in person and remote public participation. Moved by Chair Miadich, seconded by Commissioner Hatch. Motion approved 4-0.

**I. Budget Update.**

The budget update was accepted as submitted, without further action by the Commission.

**J. Behested Payments Discussion.**

The Commission considered the legal memorandum regarding “behested payments.” Chair Miadich clarified that, regarding recent press reports involving the Lieutenant Governor’s acceptance of behested payments, the behested payments were reported and the Enforcement Division rejected a complaint against her because there was no basis to pursue an investigation. The Commission considered the need for clarifying when a behested payment was used to purchase items that conferred a personal benefit on the recipient public official.

**MOTION:** Motion for Staff to bring back regulations that specifically clarify personal benefit. Moved by Commissioner Hayward, seconded by Commissioner Hatch. Motion approved 3-1 with Chair Miadich voting no.

**K. Local Jurisdiction Contract Update.**

**MOTION:** Motion to approve template contract for all future local jurisdiction contracting with FPPC pursuant to Regulation 83123.6. Moved by Commissioner Hatch, seconded by Commissioner Hayward. Motion approved 4-0.

**L. Committee Updates.**

Commissioner Hayward gave an update on the Budget & Personnel Committee meeting.

Commissioner Hatch gave an update on the Law & Policy Committee meeting.

**M. Legislative Update.**

**MOTION:** Motion to change position on AB 201 from ‘Support’ to ‘Support if Amended’. Moved by Chair Miadich, seconded by Commissioner Hayward. Motion approved 4-0. Regarding AB 902, Commissioner Hatch suggested that because recent amendments potentially diluted the disclosures under the Act, the Commission should consider changing their Sponsor position to Support.

**MOTION:** Motion to change position on AB 902 from ‘Sponsor’ to ‘Support’. Moved by Chair Miadich, seconded by Commissioner Hatch. Motion approved 4-0.

Regarding AB 1217, Chair Miadich asked whether an effective date of January 1, 2021 will help the Commission more fully understand the bill and add staff to adequately interpret, provide advice, and

enforce the expanded mandates. The later effective date would also ensure that the new disclosure requirements would not become effective in the middle of the election, thereby causing confusion.

Commissioner Hatch encouraged the Commission to select an earlier effective date of July 1, 2020.

**MOTION:** Motion to change position on AB 1217 from ‘Oppose Unless Amended’ to ‘Support if Amended’ with a delayed implementation date of no earlier than July 1, 2020, but with a strong preference to January 1, 2021. Moved by Commissioner Hatch, seconded by Chair Miadich. Motion approved 3-1 with Commissioner Hayward voting no.

**N. Advice Letter Report and Commission Review.**

The advice letter report was accepted as submitted, without further action by the Commission.

**O. Executive Staff Reports.**

The Executive Staff reports were accepted as submitted, without further action by the Commission.

**P. Commissioner Comments and Proposed Future Agenda Items.**

Chair Miadich asked Staff to identify and provide the Commissioners with any current internal rules of conduct for Commissioners that were on file.

Commissioner Hayward departed the meeting.

**Q. Adjourn**

**MOTION:** Motion to adjourn the meeting. Moved by Commissioner Hatch, seconded by Commissioner Cardenas. Motion approved 3-0.

The meeting adjourned at 1:48 p.m.

Respectfully Submitted,  
Sasha Linker  
Commission Assistant  
Approved August 5, 2019

Richard C. Miadich, Chair  
Fair Political Practices Commission