



(Approved January 15, 2020)
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
MINUTES OF HEARING, Public Session
Thursday, December 19, 2019
10:00 a.m.

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

Staff Present: Thomas Jones, Executive Director
Dave Bainbridge, General Counsel
Brian Lau, Assistant General Counsel
Galena West, Enforcement Chief
Loressa Hon, Chief of Administration
Kevin Cornwall, Commission Counsel
Matthew Christy, Commission Counsel
Phillip Ung, Legislative Director
Sasha Linker, Commission Assistant

A. Call to Order

Chair Miadich called the meeting to order at 10:01 a.m. Chair Miadich welcomed Dotson Wilson to the Commission. Chair Miadich publicly admonished Commissioner Hatch for failing to disclose to the Commission his previous contributions to a federal electoral campaign, in violation of the FPPC's Commissioner's Manual, when the issue was discussed at the September meeting.

B. Public Comment for Items not on the Agenda

Scott Vaughan gave public comment to discuss his believed facts regarding a complaint submitted to the Enforcement Division.

C. Approval of Minutes of Prior Meeting

MOTION: Approve the November 21, 2019 meeting minutes. Moved by Commissioner Hayward, seconded by Commissioner Hatch. Motion approved 5-0.

D. Approval of Minutes of Prior Meeting

MOTION: Approve the November 22, 2019 meeting minutes. Moved by Commissioner Hayward, seconded by Commissioner Hatch. Motion approved 5-0.

E. Approval of Enforcement Consent Calendar.

MOTION: Motion to approve the Enforcement Consent Calendar, agenda items 4 and 6. Moved by Commissioner Hayward, seconded by Commissioner Hatch. Motion approved 5-0.

Chair Miadich and Commissioner Hatch disclosed potential conflicts of interest with respect to Consent Calendar item 5 (the matter of Tracy Firefighters Union, et al.) and left the hearing room. Commissioner Hayward assumed the role of acting Chair.

MOTION: Motion to approve the Enforcement Consent Calendar, agenda items 5. Moved by Commissioner Wilson, seconded by Commissioner Cardenas. Motion approved 3-0 with Commissioner Hatch and Chair Miadich recusing themselves.

Chair Miadich and Commissioner Hatch returned to the hearing room. Chair Miadich resumed his role as Chair.

F. Assignment of Hearing to Administrative Law Judge (ALJ).

The Commission had no comments or questions regarding the proposed referral of the Matter of Lloyd A. Johnson for West Covina City Council 2015, et al. to an ALJ, and the matter will move forward to be heard by an ALJ.

G. Regulation Projects and Schedule for 2020.

General Counsel Bainbridge presented the proposed regulatory calendar for 2020. Following discussion and questions, Chair Miadich asked on behalf of the Commission that the issue of LLC disclosure be placed on the regulatory calendar.

MOTION: Motion to approve the regulatory calendar, agenda item 9 (as amended). Moved by Commissioner Hatch, seconded by Commissioner Hayward. Motion approved 5-0.

H. Amendment of Regulation 18702.4.

MOTION: Motion to approve the proposed regulation. Moved by Commissioner Hayward, seconded by Commissioner Wilson. Approved 5-0.

I. Repeal and Adoption of Regulation 18702.5.

MOTION: Motion to approve the proposed regulation. Moved by Commissioner Hatch, seconded by Commissioner Hayward. Approved 5-0.

J. Governance Regulations.

The Commission discussed the proposed amendments to the regulations regarding Governance of the Commission. In particular, Commissioners discussed the need for consistency in rules of governance as balanced against the desire for flexibility.

MOTION: Motion to repeal existing Governance Regulations and adopt the proposed and amended language (Proposed Regulations 18308.1, 18308.2, 18308.3, and 18308.4) as internal rules governing the Commission. Moved by Chair Miadich, seconded by Commissioner Cardenas. Approved 3-2 with Commissioners Hatch and Hayward voting no.

MOTION TO AMEND: Prior to the above vote on the Motion, motion to amend Chair Miadich's motion to have the proposed and amended language brought back to the Commission as an internal rules packet and take no other action today. Moved by Commissioner Hatch, seconded by Commission Hayward. Failed 2-3 with Commissioners Cardenas, Wilson, and Chair Miadich voting no.

The Commission adjourned for break at 11:23 a.m. The meeting recovered at 11:40 a.m.

K. Update on Task Force to Study Best Practices for Regulating Campaign Activity on Digital Media.

Chair Miadich updated the Commission on the formation of the Task Force.

L. Commissioner Manual Review.

Commissioner Cardenas updated the Commission on the status of the review and update of the Commissioner Manual. The Commission discussed the Commissioner Manual and the memo drafted by Commissioner Cardenas.

MOTION: Motion to re-adopt the ban in the Commissioner Manual on federal campaign contributions by Commissioners. Moved by Chair Miadich, seconded by Commissioner Cardenas. Approved 4-1 with Commission Hatch voting no.

MOTION: Motion to send a copy of Commissioner Cardenas' memo to the Attorney General's office. Moved by Chair Miadich, seconded by Commissioner Hayward. Approved 5-0.

MOTION: Motion to use the language proposed by the Legal Division stating Commissioners must check with the Chair and/or Executive Director and/or General Counsel before accepting honoraria. Moved by Chair Miadich, seconded by Commissioner Hayward. Approved 4-1 with Commissioner Hatch voting no.

MOTION TO AMEND: Prior to the above vote on the Motion, motion to amend Chair Miadich’s motion to read “check with General Counsel” (but exclude “Chair and/or Executive Director”). Moved by Commission Hatch. Failed without a second.

MOTION TO AMEND: Prior to the above vote on the Motion, motion to amend Chair Miadich’s motion to have the language changed from “should” to “must”. Moved by Commissioner Cardenas, seconded by Commissioner Wilson. Approved 3-2 with Commissioners Hatch and Hayward voting no.

MOTION: Motion to direct staff to produce language requiring Commissioners to disclose the name of persons with who the Commissioner had an ex-parte communication on an agenda item before the vote. Moved by Chair Miadich, seconded by Commissioner Cardenas. Approved 5-0.

MOTION: Motion to direct staff to produce language to prohibit cell phone use while on the dais. Moved by Chair Miadich, seconded by Commissioner Hayward. Approved 5-0.

MOTION: Motion to direct staff to produce language that Commissioners may only use FPPC email and FPPC issued laptop for official FPPC business. Moved by Chair Miadich, seconded by Commissioner Cardenas. Approved 5-0.

MOTION: Motion to require timesheets and reimbursements to be submitted no later than 30 days after the last day of the month that the claim is for. Moved by Chair Miadich, seconded by Commissioner Cardenas. Approved 5-0.

M. Committee Updates.

MOTION: Motion to remove Commissioner Hatch from the Law & Policy Committee and have Commissioner Hayward take that role. Moved by Chair Miadich, seconded by Commissioner Cardenas. Approved 5-0.

MOTION: Motion to recognize Commissioner Cardenas as the chair of the Budget and Staffing Committee. Moved by Chair Miadich, seconded by Commissioner Hayward. Approved 5-0.

N. Legislative Development.

Legislative Coordinator Phillip Ung presented a summary of fifteen legislative proposals that were the result of staff and Commissioner input. The Commission discussed the proposals and suggested some consolidations that would lower the number of proposals without sacrificing any of the substance. A representative from Franchise Tax Board made public comment to the Commission regarding the legislative proposal concerning lobbyist audits.

MOTION: Motion to submit all 15 proposals to Legislative Counsel as unbacked bills to look at in January. Moved by Commissioner Hatch. Failed without a second.

MOTION: Motion to direct staff to undertake feasibility study to make some investigators limited peace officers as a necessary statutory precursor to seeking legislation authorizing FPPC to employ limited peace officers. Moved by Chair Miadich, seconded by Commissioner Hatch. Approved 5-0.

O. Advice Letter Report and Commission Review.

Advice Letter Report accepted as submitted, without further action by the Commission.

P. Executive Staff Reports.

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

Q. Commissioner Comments and Proposed Future Agenda Items.

Commissioner Hatch questioned whether the Commission had received adequate information regarding the 2019/2020 FPPC Budget. Chair Miadich asked that a staff report regarding budget be brought to the Commission in January.

R. Adjourn

MOTION: Motion to adjourn the meeting. Moved by Commissioner Hayward, seconded by Commissioner Cardenas. Motion approved 5-0.

The meeting adjourned at 2:20 p.m.

Respectfully Submitted,
Sasha Linker
Commission Assistant
Approved January 03, 2020

Richard C. Miadich, Chair
Fair Political Practices Commission