



(Unapproved and Subject to Change)
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
MINUTES OF HEARING, Public Session
Thursday, October 17, 2024
10:00 a.m.

Present: Chair Silver, Commissioner Baker and Commissioner Wood

Staff Present: Galena West, Executive Director
James M. Lindsay, Chief of Enforcement
Dave Bainbridge, General Counsel
Shrdha Shah, Chief of Audits and Assistance
Jue Wang, PhD, Chief of Administration
Lindsey Nakano, Senior FPPC Legislative Counsel
Jay Wierenga, Communications Director
Sasha Linker, Commission Assistant

Call to Order.

Chair Silver called the meeting to order at 10:02 a.m.

- 1. Public Comments on items not on the agenda.**
- 2. Approval of Commission Meeting Minutes.**

MOTION: To approve the September 2024 minutes Moved by Commissioner Baker, seconded by Chair Silver. The motion passed 3-0.

3-7. Consent Calendar.

James Lindsay, Chief of Enforcement, stated that the division is pulling item six from the agenda because a settlement has been reached. The item should come back as a stipulated item in November.

In discussing item four, Commissioner Baker asked if there would have been an issue if the funds used by the candidate for online reputation management services were not surplus. Mr. Lindsay stated it could still be a personal benefit regardless of the timing so without knowing if it fell under an exception, he could not answer that question. Commissioner Baker posed the same question to General Counsel Dave Bainbridge. Mr. Bainbridge indicated that he would research the issue and advise Commissioner Baker at a later date. Commissioner Baker then asked what the potential fine could have been. Mr. Lindsay stated \$65,000.

Chair Silver discussed how items four and six, which were both pre-noticed default matters, demonstrated the importance and effectiveness of providing pre-notice for default matters.

Commissioner Baker asked how many counts could have been possible in item five. Mr. Lindsay stated there were some 24-hour reports that were used as aggravation so it could have been considerably more.

Chair Silver noted that he supports including hyperlinks to comparable cases.

James Rowan gave public comment discussing his experience with Dominic Caserta.

MOTION: To approve the Consent Calendar, minus item 6. Moved by Commissioner Baker, seconded by Commissioner Wood. The motion passed 3-0.

8-10. Pre-Notice Defaults.

Chair Silver highlighted item 10 and recognized Enforcement on the timeliness of the case since it's from 2023. He further asked Mr. Lindsay to highlight the contacts from the division before it comes to default. Mr. Lindsay stated the case starts with probable cause proceedings, a finding of probable cause is issued from the Hearing Officer in the Legal Division, Enforcement then sends an Accusation which is personally served and has to be responded to within 15 days. Then Enforcement starts engaging in the default process.

Commissioner Baker asked how Enforcement can contact an individual if the filing officer does not provide a personal contact. Mr. Lindsay stated the investigative staff have tools to get the correct contact information. He further highlighted that if a case makes it to this point, there is confirmation of contact for service.

11. Legislative Update

Lindsey Nakano, Senior FPPC Legislative Counsel, presented the status of 13 PRA-related bills and one bill amending section 1090 relating to conflicts and government contracting; identifying those signed by the Governor.

Chair Silver shared his gratitude for the hard work of Ms. Nakano, Mr. Bainbridge and the Legal Division for their hard work this legislative session. Chair Silver encouraged those watching the hearing to contact the FPPC with any legislative proposals they may have. Commissioner Baker also gave her thanks to the

Legal Division and specifically gave thanks to Ms. Nakano for her hard work with the bill regarding the use of campaign funds for mental health services. Commissioner Wood expressed her gratitude to Ms. Nakano for all she did.

David Carnahan, Sunnyvale City Clerk, shared his concerns on how the public will access Form 700s for local 87200 filers once the FPPC data exchange is no longer in use. Additionally, Mr. Carnahan recommended the check box on the Form 497 be optional for those who want to give their committee a loan.

Chair Silver thanked Mr. Carnahan for reaching out and clarified that additional people will be required to e-file with the FPPC, so the FPPC is planning on doing a lot of educational efforts and stated the FPPC does not post those Form 700s on our website currently but will look into additional posting after January 1st. Mr. Bainbridge commented that it is a policy decision that the Commission made and if anyone wants a copy to email us whenever it is needed. Commissioner Baker asked for clarification on the policy. Mr. Bainbridge said all elected officials are currently listed. He stated that since it's based on position, he doesn't know exactly what level is listed and what is not. Commissioner Baker asked if appointed positions are on there. Mr. Bainbridge said that he does not know, but he can report back.

12. Executive Staff Reports

The Executive Staff Reports were accepted as submitted.

Mr. Lindsay highlighted the increase in complaints due to the election coming up. Commissioner Baker asked about a streamline and lobbying reporting matter and how it came up. Mr. Lindsay said it was a referral case that was in 2021.

Dr. Jue Wang, Chief of Administration, added more about AB 1170 and its implementation, stating notifications will be sent out to filing officers for a smooth transition. Commissioner Baker wondered what "Keenan" is on the SEI reporting provided by the Administrative Division. Dr. Wang explained that Keenan is the filer category that includes designated employees from more than one joint power insurance agency who elect to file multi-agency statements.

Jay Wierenga, Communications Director, gave an update on the reengagement with Laney College and stated the PSA campaign is being run again until the day before the election.

Chair Silver announced that Mr. Wierenga is leaving the FPPC for an excellent position and so grateful to have worked with him for so long during his time here.

13. Commissioner Comments and Proposed Future Agenda Items.

Commissioner Baker sought clarification on when something is political engagement or advocacy on the part of a governmental agency.

MOTION: To Adjourn the meeting. Moved by Chair Silver; seconded by Commissioner Baker. The motion passed 3-0.

The meeting adjourned at 10:46 a.m.

Respectfully Submitted,
Sasha Linker
Commission Assistant
Approved November 8, 2024

Adam E. Silver, Chair
Fair Political Practices Commission