



## **NOTICE AND AGENDA Commission Meeting<sup>1</sup>**

California Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814

Thursday, August 18, 2016  
10:00 A.M.

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.

### **Welcome**

Jodi Remke, FPPC Chair

### **Public Comment**

- 1. Public Comment.** This portion of the meeting is reserved for comment on items not on the agenda. Under the Bagley-Keene Act, the Commission cannot act on items raised during public comment, but may respond briefly to statements made or questions posed; request clarification; or refer the item to staff.

### **Approval of Commission Minutes**

- 2. Approval of July 2016 Commission Hearing Minutes.**

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<sup>1</sup>You can obtain further information about the meeting by contacting the Commission Assistant, 428 J Street, Suite 620, Sacramento, CA, 95814, Tel. (916) 322-5745. Written comments on agenda items should be submitted to the Commission no later than 12:00 p.m. the day before the meeting in order to afford the Commissioners adequate time to fully consider the comments. Email comment letters directly to [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov).

The agenda and related documents are posted on the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov). Materials submitted by the public regarding each agenda item will be made available at the meeting and on the website.

Members of the public may listen to the meeting by phone by calling (877) 411-9748; access code 723284; or watch the meeting via Webinar at [meeting via YouTube](#).

The meeting location is accessible to the disabled. Persons who, due to a disability, need assistance in order to participate in this meeting should, prior to the meeting, contact the Commission Assistant at (916) 322-5745 (voice), [CommAsst@fppc.ca.gov](mailto:CommAsst@fppc.ca.gov) (e-mail) or in writing. TTY/TDD and Speech-to-Speech users may dial 7-1-1 for the California Relay Service to submit comments on an agenda item or to request special accommodations for persons with disabilities. Please allow a reasonable period of time between the request and the meeting date.

## Consent Calendar 3 – 14

### Personal Use of Campaign Contributions

- 3. In the Matter of Tina Baca Del Rio, Friends of Tina Baca Del Rio and Tina Baca Del Rio for City Council 2013; FPPC No. 12/832.** Staff: Senior Commission Counsel Bridgette Castillo, Special Investigator Jeffrey Kamigaki and Program Specialist Luz Bonetti. Tina Baca Del Rio was a successful candidate for the City of Commerce City Council in the March 5, 2013 Election, initially elected as a member of the Commerce City Council in 2005. Tina Baca Del Rio for Commerce City Council 2013 (“Committee”), formerly known as Friends of Tina Baca Del Rio, is the controlled committee of Baca Del Rio. Baca Del Rio was the treasurer of the Committee at all relevant times. Baca Del Rio and the Committee: (1) failed to timely file and properly disclose financial activity on three semiannual campaign statements, in violation of Government Code Sections 84200, subdivision (a), and 84211, subdivisions (a)-(j) (3 Counts); (2) failed to timely file and properly disclose financial activity on one pre-election campaign statement, in violation of Government Code Sections 84200.5, subdivision (c), 84200.8, subdivision (b) and 84211, subdivisions (a)-(j) (1 Count); (3) failed to file fourteen 24-Hour Contribution Reports, in violation of Government code Section 84203 (4 Counts); and (4) failed to pay 2013 and 2014 Annual Fees to the Secretary of State’s Office, in violation of Government Code Section 84101.5 (1 Count). Baca Del Rio, individually, used campaign funds which conferred a substantial personal benefit to her for purposes not directly related to a political, legislative or governmental purpose, in violation of Government Code Section 89512 (3 Counts). **Proposed Penalty Against Baca Del Rio individually: \$15,000. Proposed Penalty Against the Committee and Baca Del Rio: \$40,000. Total Proposed Penalty: \$55,000.**

### Laundered Campaign Contributions

- 4. In the Matter of Aaron Goodwin; FPPC No. 15/250.** Staff: Senior Commission Counsel Zachary W. Norton and Special Investigator Simon Russell. Aaron Goodwin, a resident of Oakland, made two contributions of \$700 to the campaign committee, “Friends of Desley Brooks.” Each contribution was made in the name of another rather than his own name, in violation of Government Code Section 84301 (1 count). **Total Proposed Penalty \$5,000.**

### Advertisements

- 5. In the Matter of Citizens for a Safer Butte County; FPPC Case No. 16/432.** Staff: Commission Counsel Michael Hamilton, and Assistant Special Investigator Roone Petersen. Citizens for a Safer Butte County, a general purpose committee, produced fifty campaign signs supporting Measures G and H in the 2016 Primary Election that did not adequately disclose the committee as the source of the advertisements, in violation of Government Code Section 84504, subdivision (c), and Code of Regulations, Title 2, Section 18450.4, subdivision (b)(3)(D) (1 count). **Total Proposed Penalty: \$2,000.**

## Lobbying Reporting

- 6. In the Matter of Modified Motorcycle Association of California; FPPC No. 14/1086.** Staff: Assistant Chief of Enforcement Dave Bainbridge and Law Clerk Elizabeth Enea. Modified Motorcycle Association of California, a lobbyist employer, failed to timely file three lobbyist employer reports for the period of the 2013-2014 legislative session, in violation of Government Code Section 86117 (3 counts). **Total Proposed Penalty: \$600.**

## Recordkeeping

- 7. In the Matter of Alicia Romero, and Romero for City Council 2013; FPPC No. 15/153.** Staff: Senior Commission Counsel Angela Brereton and Special Investigator Paul Rasey. Alicia Romero was a successful candidate for Bell City Council in the March 5, 2013 Election, and is a current Bell City Councilmember. Romero for City Council 2013 was her candidate controlled committee. At all relevant times, Romero was the treasurer of the committee. Romero and the committee failed to maintain supporting records for contributions received and expenditures made, in violation of Government Code Section 84104. (1 count). **Total Proposed Penalty: \$1,500.**

## Campaign Reporting

- 8. In the Matter of Phat Bui, and Phat Bui for Garden Grove Council 2014; FPPC No. 16/453.** Staff: Political Reform Consultant Jeanette Turvill and Assistant Political Reform Consultant Chloe Hackert. Phat Bui was a successful candidate for Garden Grove City Council in the November 4, 2014 General Election. Phat Bui for Garden Gove Council 2014 was his candidate controlled committee. Bui and Phat Bui for Garden Grove Council 2014 failed to timely file one semiannual campaign statement for the reporting period of July 1, 2015 through December 31, 2015, in violation of Government Code Section 84200 (1 count); and failed to disclose occupation and employer information for nine individual contributors on the committee's semiannual campaign statement for the reporting period of January 1, 2014 through June 30, 2014, in violation of Government Code Section 84211, subdivision (f) (1 count). **Total Proposed Penalty: \$638.**
- 9. In the Matter of John P. Shoals and Shoals for Grover Beach Mayor 2014; FPPC No. 16/438.** Staff: Assistant Political Reform Consultant Chloe Hackert. John P. Shoals was a successful candidate for Grover Beach Mayor in the November 4, 2014 General Election. Shoals for Grover Beach Mayor 2014 was his candidate controlled committee. Shoals and Shoals for Grover Beach Mayor 2014 failed to file five 24-Hour Reports, in violation of Government Code Section 84203 (5 counts). **Total Proposed Penalty: \$1,101.**
- 10. In the Matter of Steve Ipsen for District Attorney 2012; FPPC No. 15/667.** Staff: Commission Counsel Toren Lewis. Steve Ipsen for District Attorney 2012, Steve Ipsen, and Catherine Barry failed to file two semiannual reports for the periods of January 1,

2015 through June 31, 2015, and July 1, 2015 through December 2015. The committee also failed to timely pay the 2013, 2014, and 2015 \$50 Annual Fees to the Secretary of State's Office, in violation of Government Code Sections 84200 and 84101.5 (5 counts). **Total Proposed Penalty: \$645.**

**11. In the Matter of Carlsbad Firefighters Legislative Action Group; FPPC No. 16/059.** Staff: Assistant Chief of Enforcement David Bainbridge and Law Clerk Elizabeth Enea. Carlsbad Firefighters Legislative Action Group (CFLAG), a local general purpose committee, failed to timely file two semiannual campaign statements for the periods of October 1, 2014 through December 31, 2014, and January 1, 2015 through June 30, 2015, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$527.**

**12. In the Matter of Mike Spence, Friends of Mike Spence for City Council 2013, and John Fugatt; FPPC No. 15/2087.** Staff: Commission Counsel Tanya Smith. Mike Spence was a successful candidate for the West Covina City Council in the November 5, 2013 General Election. Friends of Mike Spence for City Council 2013 is his controlled recipient committee. Fugatt is the treasurer of the committee. Spence, Fugatt, and the committee failed to timely file one semiannual statement for the period of January 1, 2015 through June 30, 2015, in violation of Government Code Section 84200, subdivision (a) (1 count). **Total Proposed Penalty: \$231.**

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

**13. In the Matter of Petia Atanassova; FPPC No. 16/033.** Staff: Commission Counsel Toren Lewis. Petia Atanassova, as a Physician with the Santa Clara Valley Health & Hospital Systems, failed to timely file a 2014 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**

**14. In the Matter of Ellen McEwen; FPPC No. 16/411.** Staff: Political Reform Consultant Teri Rindahl. Ellen McEwen, as a Parks and Recreation Commissioner with the City of Monterey, failed to timely file a 2015 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

#### **General Items (15-16)**

**15. Adoption of procedures for requesting and approving an exemption from the Act's requirement to adopt a conflict of interest code. Repeal and Re-Adopt Regulation 18751.** Staff: General Counsel Hyla Wagner and Senior Commission Counsel Brian Lau. Continuing the effort to streamline the code approval process, which begin with the adoption of Regulation 18750 in April, proposed Regulation 18751 will (1) clarify the standard for requesting and approving an exemption from the Act's requirement to adopt

a conflict of interest code, (2) require documents to support an exemption request only when necessary, (3) streamline review timeframes, and (4) extend the period for requesting reconsideration.

**16. Legislative Update for August 2016.** Staff: Phillip Ung, Legislative and External Affairs Director. This report includes a summary of 22 bills and one constitutional amendment that would impact the Political Reform Act or Government Code 1090. The Legislature will conclude its 2016 Session with meetings of the respective Appropriations Committees and Floor votes.

**Executive Staff Reports Item 17**

**17. Executive Staff Reports.**

Enforcement Division. Galena West, Enforcement Chief

Legal Division. Hyla P. Wagner, General Counsel

External Affairs and Education. Tara Stock, Manager