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BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of: JAMES MAYER, Respondent.	FPPC Case No. 2025-00141 STIPULATION, DECISION, AND ORDER

INTRODUCTION

In December 2020, Respondent, James Mayer ("Mayer"), separated from employment with the Mental Health Services Oversight & Accountability Commission ("MHSOAC"), a California government agency, after serving as the Chief of Innovation Incubation (a Staff Services Manager III position) for approximately fifteen months. In the year that followed, Mayer continued his work as an Adjunct Professor at the University of the Pacific ("UOP"), taking on an expanded role with additional responsibilities.[1] As an ancillary part of his work at UOP, he communicated with MHSOAC employees regarding the development and launch of a fellowship program between MHSOAC and UOP. During this time, Mayer contacted MHSOAC staff for the purpose of influencing the awarding of a contract—in violation of the post-employment ethics restrictions of the Political Reform Act[2] ("the Act").

[1] Mr. Mayer served as an Adjunct Professor both before and during his employment with MHSOAC but took on additional responsibilities in 2021 to develop the Fellowship Program.

[2] The Political Reform Act – sometimes simply referred to as the Act – is contained in Government Code sections 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices Commission are

SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. The violations in this case occurred in 2021. All legal references and discussions of law pertain to the Act's provisions as they existed at that time.

Need for Liberal Construction and Vigorous Enforcement of the Act

When enacting the Act, the people of California found and declared that previous laws regulating political practices suffered from inadequate enforcement by state and local authorities.[3] Thus, it was decreed that the Act "should be liberally construed to accomplish its purposes."[4]

One purpose of the Act is to impose restrictions on post-government employment to curtail activities that involve—or may appear to involve—the unfair use of a person's prior government employment.[5] Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be "vigorously enforced."[6]

The One-Year Ban on Communications with Former Agency

Public officials who leave state service are subject to certain restrictions, which are sometimes referred to as the Act's revolving door provisions. One of these restrictions is known as the one-year ban. This ban applies to various officials, including any employee of a state administrative agency who holds a position that is designated in the agency's conflict-of-interest code. For a period of one year after leaving state service, such individuals may not act as agent or attorney for, or otherwise represent, any other person—for compensation—by making any formal or informal appearance, or by making any oral or written communication, before any state administrative agency, or officer or employee thereof. This ban only applies if the appearance or communication is made for certain purposes, including the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract.[7] "State administrative agency" means every state office, department, division, bureau, board, and commission

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contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to this source.

[3] Section 81001(h).
[4] Section 81003.
[5] Sections 87400, et seq.
[6] Section 81002(f).
[7] See Section 87406(d)(1) and Regulations 18746.1, et seq.

(except the Legislature, the courts, or any agency in the judicial branch of government).[8]

SUMMARY OF THE FACTS

In December 2020, Mayer separated from employment with MHSOAC—currently known as the Commission for Behavioral Health—after serving as the Chief of Innovation Incubation (a Staff Services Manager III position) for approximately fifteen months. As a Staff Services Manager III, Mayer was designated in MHSOAC's conflict of interest code as an employee who was required to file statements of economic interests. This was true for both the conflict of interest code that was effective when Mayer was appointed in 2019, as well as the version that became effective partway through his term. According to records maintained by MHSOAC, Mayer filed an Assuming Office SEI, Annual SEI, and Leaving Office SEI in connection with his position as Staff Services Manager III, Chief of Innovation Incubation.

After leaving MHSOAC in December 2020, Mayer continued his employment with UOP as a Senior Fellow and Adjunct Professor with teaching and research responsibilities. He had served as an Adjunct Professor both before and during his employment with MHSOAC but accepted an employment contract in January 2021 with additional responsibilities to develop plans for "Outcomes-Management Fellowships" that would enhance the university's Public Policy Program.

During the 12 months following his separation from employment with MHSOAC, Mayer contacted MHSOAC staff for the purpose of attempting to influence the awarding of a contract between MHSOAC and UOP for a fellowship program. Between March 2021 and December 2021, covering the period when the one-year ban was in effect, Mayer made several contacts, including emails, concerning the development and launch of a fellowship program between MHSOAC and UOP. Although the communications varied in content, the emails that Mayer was involved with generally discussed the opportunity and benefit of a fellowship program between MHSOAC and UOP, including scheduling discussions and Zoom meetings.

In March 2023, after a competitive bid process, MHSOAC and UOP executed a contract for deliverables related to the "Fellowship in Transformational Change" program "to support the ability of behavioral health leaders to achieve the goals of the Mental Health Services Act, including the

[8] Section 87400(a).

promotion of prevention, early intervention, and innovation as essential strategies for improving performance and outcomes."[9]

All of these communications violated the Act because, as a compensated agent, Mayer contacted his former employer in an attempt to influence contract decisions during the 12 months after he left state employment.

VIOLATIONS

Count 1: One-Year Ban on Communications with Former Agency

Mayer contacted MHSOAC as described above, in violation of Government Code Section 87406(d)(1).

PENALTY

This matter consists of one count of violating the Act, which carries a maximum administrative penalty of $5,000 per count, therefore, the total potential penalty for the violation charged here is $5,000.

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors set forth in Regulation 18361.5 subdivision (e)(1) through (8): (1) The extent and the gravity of the public harm caused by the specific violations; (2) The level of experience of the violator with the requirements of the Political reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence or absence of any intention to conceal, deceive, or mislead; (5) Whether the violation was deliberate, negligent, or inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission, staff or any other governmental agency in a manner not constituting complete defense under Government Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern or whether the violator has a prior record of violations of the Political Reform Act or similar law; (8) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide

[9] Agreement Summary between Mental Health Services Oversight & Accountability Commission and University of the Pacific § 8 (March 27, 2023), recorded as Agreement Number 22MHSOAC022 (Commission for Behavioral Health).

full disclosure.[10]

With respect to the third factor, the most recent stipulation involving a violation of the one-year ban was approved by the commission in 2018. *In the Matter of Charles Lewis* (FPPC Case No. 16/74), the Commission imposed a penalty totaling $12,000 for three counts against a former Chief with the Department of Health Care Services who helped his clients navigate his former employer's application process—in violation of the Act's one-year ban. The violations—which occurred over a period of time spanning roughly one year—involved communicating with Lewis' former employer on behalf of 21 clients which resulted in direct financial gain to Lewis. The *Lewis* case involved direct communication with Lewis' former agency, including hundreds of oral/written communications and one in-person visit. Three counts were charged at $4,000 each for a total penalty of $12,000, which is in the higher range because the maximum penalty that could have been charged was $5,000 per violation.

There are some similarities between this case and the *Lewis* case. Both involved an official's communications directly with their former agency, with the communications taking place over approximately a one-year period (essentially, the duration of the ban). Both Lewis and Mayer also received agency-provided ethics training that would have covered the Act's one-year revolving door restrictions. Finally, both the *Lewis* case and this case involve respondents who cooperated with the Enforcement Division's investigation and, with respect to the seventh factor, did not have a history of prior, similar violations of the Act.

There are also some differences between the two cases. The *Lewis* case resulted in a direct financial gain to the official whereas this case did not produce a direct financial gain for Mayer, although his new employer did benefit by securing the fellowship program contract with Mayer's former agency. The *Lewis* case involved the official's communications on behalf of numerous clients (21) whereas this case involves Mayer's communications in furtherance of one contract.

Respondent contends that he was unaware that his actions described herein constituted a violation of the Act. Respondent further contends that he did not receive any financial benefit, other than his salary as an Adjunct Professor, related to the contract. Respondent has no history of any other ethics rule violations.

[10] Regulation 18361.5(e).

Based on the factors outlined above, the Enforcement Division respectfully seeks a total penalty of $3,000 for Count 1.

CONCLUSION

Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent, James Mayer, hereby agree as follows:

1. Respondent violated the Act as described in the foregoing pages, which are a true and accurate summary of the facts in this matter.

2. This stipulation will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.

3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose of reaching a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondent pursuant to Section 83116.

4. Respondent has consulted with his attorney, Gary S. Winuk—with the law firm of Kaufman Legal Group, APC. Respondent understands and hereby knowingly and voluntarily waives, any and all procedural rights set forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9. This includes, but is not limited to, the right to appear personally at any administrative hearing held in this matter, to be represented by an attorney at the Respondent's own expense, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

5. The Respondent agrees to the issuance of the decision and order set forth below. Also, the Respondent agrees to the Commission imposing against him an administrative penalty in the amount of $3,000. One or more cashier's checks or money orders totaling said amount—to be paid to the General Fund of the State of California—is/are submitted with this stipulation as full payment of the administrative penalty described above, and same shall be held by the State of California until the Commission issues its decision and order regarding the matter.

6. If the Commission declines to approve this stipulation—then this stipulation shall become null and void, and within fifteen business days after the Commission meeting at which the

stipulation is rejected, all payments tendered by the Respondent in connection with this stipulation shall be reimbursed to the Respondent. If this stipulation is not approved by the Commission, and if a full evidentiary hearing before the Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

7. The parties to this agreement may execute their respective signature pages separately. A copy of any party's executed signature page including a hard copy of a signature page transmitted via fax or as a PDF email attachment is as effective and binding as the original.

Dated: _____ _____

Kendall L.D. Bonebrake, Chief of Enforcement
Fair Political Practices Commission

Dated: _____ _____

James Mayer, Respondent

The foregoing stipulation of the parties "In the Matter of James Mayer; FPPC Case No. 2025-00141, is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Chair.

IT IS SO ORDERED.

Dated: _____ _____

Adam E. Silver Chair

Fair Political Practices Commission