

**NOTICE AND AGENDA  
Commission Meeting<sup>1</sup>  
428 J Street, Suite 800  
Sacramento, CA 95814**

**Monday, April 11, 2011  
10:00 AM**

This meeting of the Commission will include teleconference participation by one Commissioner (Gov. Code Section 11123). The teleconference location, in addition to the address above, is:

**Chapman University School of Law  
One University Drive, Room 406  
Orange, CA 92866-1005**

**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.**

**PROPOSED CONSENT CALENDAR – ITEMS 2 THROUGH 33**

- 2. Approval of January 28, 2011 and February 10, 2011 Commission meeting minutes.**

**Campaign Reporting Violations**

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<sup>1</sup>You can obtain further information about the meeting by contacting Roman G. Porter, Executive Director, c/o 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. The fax number for comment letters is 916-322-6440.

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 (888) 751-0624; access code is 723284.

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), 916-322-6440 (facsimile) 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.

- 3. In the Matter of Tina Baca Del Rio and Friends of Tina Baca Del Rio, FPPC No. 08/423.** Staff: Senior Commission Counsel Luisa Menchaca and Special Investigator Sandra Buckner. Respondent Tina Baca Del Rio was a member of the Commerce City Council from 2005 until November 4, 2008. Respondent Baca Del Rio was re-elected to the Commerce City Council on March 3, 2009, and Respondent Friends of Tina Baca Del Rio is her candidate controlled campaign committee. Respondents violated the Political Reform Act by: 1) failing to timely file three semi-annual campaign statements, for the reporting periods from July 1, 2007 through June 30, 2008 and from October 19, 2008 through December 31, 2008, 2009, in violation of Government Code Section 84200, subdivision (a) (3 counts); 2) failing to timely file two pre-election campaign statements, for the reporting periods of July 1, 2008 through October 18, 2008, in violation of Government Code Sections 84200.5, subdivision (b), and 84200.7, subdivision (b) (2 counts), and 3) failing to timely file two pre-election campaign statements, for the reporting periods from January 1, 2009 through February 14, 2009, in violation of Government Code Sections 84200.5, subdivision (c), and 84200.8, subdivision (a) (2 counts). **Total Proposed Penalty: \$26,000.**
- 4. In the Matter of Abel Maldonado, Abel Maldonado for Senate, Christopher J. Raymer, and Chris Steinbruner, FPPC No. 10/070.** Staff: Commission Counsel Bridgette Castillo, and Program Specialist Bob Perna. Abel Maldonado was elected to the California Senate on November 2, 2004, representing the 15<sup>th</sup> District. Respondent Maldonado ran for re-election to the state Senate, won in the June 3, 2008, primary election and was re-elected to the state Senate in the November 4, 2008, general election. Abel Maldonado for Senate, was a candidate controlled committee for Respondent Maldonado's 2008 state Senate campaign. During the period covering May 20, 2005, through February 28, 2008, Christopher J. Raymer was the treasurer for Respondent Committee. During the period covering February 29, 2008, through July 30, 2009, Respondent Chris Steinbruner was the treasurer for Respondent Committee. Respondents violated the requirements of the Political Reform Act by: (1) failing to file late contribution reports, in violation of Government Code Section 84203, subdivisions (a) and (b) (2 counts); (2) failing to file online campaign reports disclosing contributions received of \$1,000 or more during the 90 day period before an election, in violation of Government Code Section 85309, subd. (a) (8 counts); and (3) failing to file online campaign reports disclosing contributions received of \$5,000 or more outside the 90 day period before an election, in violation of Government Code Section 85309, subd. (c) (4 counts). **Total Proposed Penalty: \$28,000.**
- 5. In the Matter of the Redwood City Chamber of Commerce FPPC No. 09/266.** Staff: Commission Counsel Zachary W. Norton and Special Investigator Annaraine Diaz-Sham. Respondent is the Redwood City Chamber of Commerce, a Redwood City based business association. Respondent failed to file a supplemental independent expenditure report, for the reporting period October 1 through October 18, 2008, in violation of Government Code Section 84203.5 (1 count). **Total Proposed Penalty: \$3,000.**

6. **In the Matter of Arlie Ricasa, Arlie Ricasa 2008, and Kinde Durkee, FPPC No. 10/808.** Staff: Senior Commission Counsel Neal Bucknell and Program Specialist Grant Beauchamp. In 2008, Respondent Arlie Ricasa was a candidate for California State Assembly, 78th District. Respondent Arlie Ricasa 2008 was her candidate controlled committee for this purpose, and Respondent Kinde Durkee was the committee treasurer. In this matter, Respondents failed to disclose an \$18,000 loan received from Durkee & Associates, LLC on the semi-annual campaign statement filed for Respondent Arlie Ricasa 2008 for the reporting period May 18, 2008 through June 30, 2008, in violation of Government Code Section 84211, subdivision (g) (1 count). **Total Proposed Penalty: \$2,000.**

#### **Campaign Reporting Violations – Streamline**

7. **In the Matter of Allen L. Barker; Allen L. Barker Candidate 28th Assembly District 2010; and Allen L. Barker, Treasurer, FPPC No. 10/663.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents Allen L. Barker, Allen L. Barker Candidate 28th Assembly District 2010, and Allen L. Barker as the committee's treasurer, failed to timely file a pre-election report, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$200.**
8. **In the Matter of Larry A. Bedard, FPPC No. 10/1059.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent Marin Health Care District Director Larry A. Bedard failed to file the short-form annual campaign statement in calendar year 2010, in violation of Government Code Section 84206 (1 count). **Total Proposed Penalty: \$200.**
9. **In the Matter of The Campaign for Consumer Rights, FPPC No. 10/473.** Staff: Senior Commission Counsel Neal Bucknell, Special Investigator Beatrice Moore, and Political Reform Consultant Jeanette Turvill. Respondent is a California-based non-profit 501(c)(4) corporation. In this matter, Respondent failed to timely file three semi-annual campaign statements, for the reporting periods ending December 31, 2007, December 31, 2009 and June 30, 2010, reporting contributions received from Consumer Watchdog (a California-based nonprofit 501(c)(3) corporation of which Respondent is the advocacy and campaign affiliate), in violation of Government Code Sections 84200 and 84211 (3 counts). **Total Proposed Penalty: \$600.**
10. **In the Matter of Bret Daniels; Citizens in Support of Bret Daniels; and Bret Daniels, Treasurer, FPPC No. 09/255.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Amanda Allen. Respondents Citrus Heights City Council Candidate Bret Daniels, Citizens in Support of Bret Daniels, and Bret Daniels as treasurer failed to timely file a semi-annual campaign report, for the reporting period ending December 31, 2008, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**
11. **In the Matter of Committee to Elect Bob Epple, Robert Epple, Treasurer, FPPC No. 10/923.** Staff: Political Reform Consultant Teri Rindahl. Cerritos Community College District candidate and board member Robert "Bob" Epple, and

his committee, Committee to Elect Bob Epple, failed to timely file two semiannual campaign statements, for the reporting periods ending December 31, 2009 and June 30, 2010, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$400.**

12. **In the Matter of David Grant, South Orange County Community College District Trustee, and Committee to Elect David Grant Trustee 2010, FPPC No. 10/1087.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents David Grant, South Orange County Community College District Trustee, and Committee to Elect David Grant Trustee 2010 with David Grant as treasurer failed to timely disclose expenditures on a pre-election statement for the reporting period ending October 16, 2010, in violation of Government Code Section 84211 (1 count). **Total Proposed Penalty: \$200.**
13. **In the Matter of Friends of Crystal Strait and Eddie Kirby, Treasurer, FPPC No. 10/342.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents Friends of Crystal Strait and its treasurer, Eddie Kirby, failed to timely file a semi-annual report, for the reporting period ending December 31, 2009, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**
14. **In the Matter of United Democrats of Vallejo and John R. Lewis, Treasurer, FPPC No. 10/320.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents United Democrats of Vallejo with John R. Lewis as treasurer failed to file a semiannual statement, for the reporting period ending December 31, 2009, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

#### **Conflict of Interest**

15. **In the Matter of Dan K. Waters, FPPC No. 10/485.** Staff: Chief of Enforcement Gary Winuk and Special Investigator Janet Seely. Respondent Dan Waters, Customer Services Supervisor for the Community Development Department for the City of Sacramento, participated in a governmental decision, the granting of an application for Amended Entertainment Permit Conditions, in which he had a material financial interest, in violation of Government Code Section 87100 (1 count). **Total Proposed Penalty: \$2,500.**

#### **Lobbying**

16. **In the Matter of Deloitte Consulting, LLP, No. 10/506.** Staff: Chief of Enforcement Gary Winuk and Program Specialist Bob Perna. Respondent Deloitte Consulting, LLP, a California lobbyist employer, failed to timely file eight lobbyist employer reports from January 1, 2008 through December 31, 2009, which failed to report total payments made for lobbying services in the amount of \$122,500, in violation of Government Code Section 86115 (8 counts). **Total Proposed Penalty: \$8,000.**
17. **In the Matter of Santa Ynez Band of Chumash Indians, No. 10/607.** Staff: Chief of Enforcement Gary Winuk and Program Specialist Bob Perna. Respondent Santa Ynez Band of Chumash Indians, a California lobbyist employer, failed to timely file fifteen lobbyist employer reports from January 1, 2007 through

September 30, 2010, which failed to report total payments made for lobbying services in the amount of \$312,000, in violation of Government Code Section 86115 (15 counts). **Total Proposed Penalty: \$15,000.**

- 18. In the Matter of Soboba Band of Luiseno Indians, No. 10/606.** Staff: Chief of Enforcement Gary Winuk and Program Specialist Bob Perna. Respondent Soboba Band of Luiseno Indians, a California lobbyist employer, failed to timely file fourteen lobbyist employer reports, from January 1, 2007 through March 31, 2010, which failed to report total payments made for lobbying services in the amount of \$200,000, in violation of Government Code Sections 86115 (14 counts). **Total Proposed Penalty: \$14,000.**
- 19. In the Matter of Tule River Indian Tribe, No. 10/608.** Staff: Chief of Enforcement Gary Winuk and Program Specialist Bob Perna. Respondent Tule River Indian Tribe, a California lobbyist employer, failed to timely file seven lobbyist employer reports, from January 1, 2007 through September 30, 2007 and from October 1, 2009 through September 30, 2010, which failed to report total payments made for lobbying services in the amount of \$58,500, in violation of Government Code Section 86115 (7 counts). **Total Proposed Penalty: \$7,000.**

#### **Lobbying – Streamline**

- 20. In the Matter of Downey Regional Medical Center, No. 11/092.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Jennifer Reimer. Respondent Downey Regional Medical Center, a registered California lobbyist employer, failed to timely file a quarterly lobbyist employer report for the period of July 1, 2010 through September 30, 2010, which failed to report total payments of \$5,000, in violation of Government Code Section 86115 (1 count). **Total Proposed Penalty: \$200.**

#### **Mass Mailing**

- 21. In the Matter of Jerome Horton, Democrat Jerome Horton for Board of Equalization, Citizens to Elect Honest Officials, and Kinde Durkee, FPPC No. 08/286.** Staff: Senior Commission Counsel Neal Bucknell and Program Specialist Grant Beauchamp. Respondent Democrat Jerome Horton for Board of Equalization was Jerome Horton's candidate controlled committee (formed for his 2006 candidacy). In approximately March 2009, Respondent Citizens to Elect Honest Officials became Respondent Jerome Horton's candidate controlled committee (primarily formed to support Alena Cindy Giardina for the Inglewood Unified School Board in 2009). Respondent Kinde Durkee was the treasurer of both committees. In this matter, Respondents Jerome Horton, Democrat Jerome Horton for Board of Equalization, and Kinde Durkee failed to refund contributions to general election contributors, in violation of Government Code Section 85318 (1 count), and Respondents Jerome Horton, Citizens to Elect Honest Officials, and Kinde Durkee failed to properly identify the sender of three mass mailings, in violation of Government Code Section 84305, subdivision (c) (3 counts). **Total Proposed Penalty: \$13,000.**

- 22. In the Matter of Protect Burlingame and Kevin Osborne, FPPC No. 09/804.** Staff: Commission Counsel Zachary W. Norton and Special Investigator Annaraine Diaz-Sham. Just prior to the November 3, 2009, election, Respondents Protect Burlingame, a general purpose committee, and its treasurer Kevin Osborne paid for and caused to be sent two mass mailers supporting Measures H and I, which failed to identify Respondents as the senders of the mailers, in violation of Government Code Section 84305, subdivision (a) (1 count). **Total Proposed Penalty: \$2,500.**

### **Money Laundering**

- 23. In the Matter of James Larry Minor, No. 11/008.** Staff: Chief of Enforcement Gary Winuk. Respondent James Larry Minor made ten campaign contributions, each in the amount of \$3,900 to the Jeff Stone for State Senate Campaign 2009 committee in a name other than his own, and made one contribution in 2006, in the amount of \$3,300 to The Committee to Elect Brenda Salas campaign committee in a name other than his own, in violation of Government Code Section 84301 (11 counts) and made a contribution in excess of the campaign contribution limits, a total contribution of \$39,000, to the Jeff Stone for State Senate Campaign 2009 committee, in excess of contribution limits, in violation of Government Code Section 85301(a) (1 count). **Total Proposed Penalty: \$60,000.**

### **Statement of Economic Interests – Failure to File – Streamline**

- 24. In the Matter of Jim Campbell, FPPC No. 10/1103.** Staff: Political Reform Consultant Teri Rindahl. Respondent Jim Campbell, a commissioner for the Rice Commission, failed to file an Assuming Office, a 2008 Annual, and 2009 Annual Statements of Economic Interests in violation of Government Code section 87300 (3 counts). **Total Proposed Penalty: \$600.**
- 25. In the Matter of Kevin Cheng, FPPC No. 10/993.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent Kevin Cheng, a member of the Rate Fairness Board for the City and County of San Francisco, failed to timely file a 2009 annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
- 26. In the Matter of Leo Chow, FPPC No. 10/999.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent Leo Chow, Arts Commission member for the City and County of San Francisco, failed to timely file a 2009 annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
- 27. In the Matter of Leslie Lohse, FPPC No. 10/1102.** Staff: Commission Counsel Milad Dalju and Political Reform Consultant Teri Rindahl. Respondent Leslie Lohse has been a member of the Native American Heritage Commission since January 1, 2008. In this matter, Respondent failed to timely file an annual Statement of Economic Interests for the January 1, 2009, through December 31, 2009, period, in violation Government Code Section 87300 (1 count). **Total Proposed Penalty: \$600.**

**28. In the Matter of Luther Pugh, No. 11/015.** Staff: Political Reform Consultant Jeanette E. Turvill. Luther Pugh, a member of the Santa Clara County Domestic Violence Council, failed to timely file his 2009 annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

**29. In the Matter of Katie Townsend-Merino, No. 11/031.** Staff: Political Reform Consultant Jeanette E. Turvill. Katie Townsend-Merino, Vice-President of the Foothill-DeAnza Community College District, failed to timely file her 2009 annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

#### **Statement of Economic Interests – Non-Reporting**

**30. In the Matter of Antonio Villaraigosa, No. 10/579.** Staff: Chief of Enforcement Gary Winuk, Special Investigator Paul Rasey. Respondent Antonio Villaraigosa, Mayor of the City of Los Angeles, failed to report 21 gifts, each in the amount of fifty dollars or more on his 2006, 2007, 2008 and 2009 annual Statements of Economic Interests, respectively, which were due by April 1 of each subsequent year, in violation of Government Code Section 87203 (21 counts). **Total Proposed FPPC Penalty: \$21,000 (Total Proposed Penalty by Los Angeles City Ethics Commission: \$20,849, for a Combined Proposed Penalty: \$41,849)**

**31. In the Matter of Sean MacNeil, FPPC No. 09/645.** Staff: Chief of Enforcement Gary Winuk and Senior Investigator Leon Nurse Williams. Respondent Sean MacNeil, former Chief of Staff to California State Senator Pat Wiggins failed to disclose on his 2007 Annual Statement of Economic Interests \$2,000 in income he received from Friends of Pat Wiggins for State Senate 2010 campaign in March 2007 on his 2007 annual Statement of Economic Interests, in violation of Government Code section 87302 (1 count). **Total Proposed Penalty: \$4,000.**

#### **Statement of Economic Interests – Non-Reporting - Streamline**

**32. In the Matter of Cheryl Miles, FPPC No. 10/271.** Staff Counsel IV Luisa Menchaca and Special Investigator Sandra Buckner. Respondent Cheryl Miles, a consultant for the Fi\$Cal Change Management Team within the California Department of Finance, failed to report economic interests on her 2010 assuming office Statement of Economic Interests, in violation of Government Code Sections 87207, 87300, and 87302 (1 count). **Total Proposed Penalty: \$400.**

#### **Consideration of Administrative Law Judge Proposed Decision**

**33. In the Matter of Raymond Haynes Jr., Mr. Raymond Horspool Jr., and Haynes for Assembly 2004, FPPC No. 09/258 OAH No. 2010100426.** Staff: Chief of Enforcement Gary Winuk and Program Specialist Grant Beauchamp. Respondent Haynes was a member of the California State Assembly from 2002 through 2006. Respondent Haynes for Assembly 2004 was Respondent Haynes' candidate controlled campaign committee, and Respondent Horspool was the treasurer for Respondent Haynes for Assembly 2004. Following an administrative hearing in

Sacramento, Administrative Law Judge Joann Eshelman issued a proposed decision finding that four violations occurred, and imposing an administrative penalty of \$10,000.

#### **MOTIONS TO VACATE - ITEM 34**

- 34. Motion to Vacate Default Decision and Order, In the Matter of Tim Foley FPPC No. 10/117** Staff: Gary Winuk, Chief of Enforcement, Commission Counsel Bridgette Castillo. The Commission will consider a motion filed with the Commission by Respondent Foley to vacate the Commission's Default Decision and Order approved at the January 28, 2011 hearing.

#### **GENERAL - ITEMS 35 THROUGH 38**

- 35. Regulatory Review.** Staff: Roman G. Porter, Executive Director. The Executive Director will seek direction from the Commission as to which specific regulations or areas of regulations the Commission would like examined for potential elimination or amendment, with the goal of increasing clarity and compliance with the Commission's regulations. Efforts to solicit input from members of the public and regulated community as to how the Commission can increase clarity through a regulatory review will also be discussed.
- 36. Legislative Report.** Staff: Legislative Coordinator Tara Stock.
- 37. Litigation Report.** Staff: General Counsel Scott Hallabrin.
- 38. Executive Director's Report.** Staff: Executive Director Roman Porter.

#### **CLOSED SESSION**

- 39. Pending Litigation** (Gov. Code Section 11126(e)(1)).
- a. ***ProtectMarriage.com, et al. v. Debra Bowen, et al.*** (Federal District Court for the Eastern District of California, Case No. 2:09-cv-00058-MCE-DAD).
  - b. ***Michelle Berman and Adrienne Lauby v. Fair Political Practices Commission*** (Petition for Writs of Mandate, Sacramento County Superior Court, Dept. 42, Case No. 34-2010-80000740).