

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

**Thursday, February 10, 2011  
10:00 a.m.**

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All proposed stipulations that appear on the agenda are signed by the Respondent(s) and the Executive Director. Signed copies are available at the Commission's office.

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**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 15**

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

**Campaign Reporting Violations**

- 3. In the Matter of Arturo Chacon and Art Chacon for Water Board 2010, FPPC No. 08/652. Staff: Senior Commission Counsel Neal Bucknell, Program Specialist Luz Bonetti, and Special Investigator Beatrice Moore. Respondent Arturo Chacon was a successful candidate for the Central Basin Municipal Water District Board of Directors in the election that was held on November 7, 2006,**

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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.

**and Respondent Art Chacon for Water Board 2010 was his controlled committee.**

Respondents: (i) failed to file pre-election statements by required deadlines, in violation of Government Code Sections 84200.5, subdivision (b), and 84200.7, subdivision (b) (2 counts); (ii) failed to report contributions received, in violation of Government Code Section 84211, subdivisions (a), (c), and (f) (3 counts); (iii) failed to report expenditures made, in violation of Government Code Section 84211, subdivisions (b), (i), and (k) (3 counts); (iv) failed to report late contributions received, in violation of Government Code Section 84203, subdivisions (a) and (b) (1 count); (v) failed to maintain required, supporting records regarding contributions received and expenditures made, in violation of Government Code Section 84104 and California Code of Regulations, title 2, §18401 (2 counts); (vi) accepted cash contributions of \$100 or more, in violation of Government Code Section 84300, subdivision (a) (1 count); and (vii) made cash expenditures of \$100 or more, in violation of Government Code Section 84300, subdivision (b) (1 count).

**Total Proposed Penalty: \$30,000.**

4. **In the Matter of Mike Briggs, and Mike Briggs for City Council 2010, FPPC No. 10/494 (Default Decision).** Staff: Senior Commission Counsel Angela Brereton and Political Reform Consultant Teri Rindahl. Respondents are Mike Briggs, and his controlled committee, Mike Briggs for City Council 2010 (Respondent Committee). At all relevant times, Respondent Briggs was the treasurer of Respondent Committee. In the June 8, 2010, primary election, Respondent Briggs was one of two qualifying candidates for the Fresno City Council, District 3, and he was the unsuccessful candidate in the run-off election in the November 2, 2010, general election for the same seat. In this matter, Respondents failed to file a pre-election campaign statement by the March 22, 2010, due date, for the reporting period of January 1 to March 17, 2010, in violation of Government Code Sections 84200.5, subdivision (b), and 84200.7, subdivision (a)(1) (1 count); failed to disclose the street address, occupation and/or employer information for 11 contributors who contributed \$100 or more, as reported in Respondents' pre-election campaign statement for the reporting period ending May 22, 2010, in violation of Government Code Section 84211, subdivision (f) (1 count); and failed to file a late contribution report within 24 hours of receiving a late contribution on May 26, 2010, totaling \$1,000, by the applicable due date, in violation of Government Code Section 84203, subdivision (a) (1 count). **Total Proposed Penalty: \$9,500.**

**Campaign Reporting Violation – Streamline**

5. **In the Matter of Manuel “Manny” Cosme, Candidate; Cosme for Assembly 2008; and Manuel “Manny” Cosme, Treasurer, FPPC No. 10/670.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents Assembly Candidate Manuel “Manny” Cosme, Cosme for Assembly 2008, and Manuel “Manny” Cosme as treasurer failed to timely file a semi-annual campaign report, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

6. **In the Matter of Goleta PAC and James J. Knight, Treasurer; FPPC No. 10/341.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents Goleta PAC and its treasurer, James J. Knight, failed to timely file a semiannual report, in violation of Government Code Section 84200 (1 count).  
**Total Proposed Penalty: \$200.**

### **Conflict of Interest**

7. **In the Matter of Michael Allen FPPC No. 10/123.** Senior Commission Counsel Luisa Menchaca and Senior Special Investigator Sandra Buckner. As Planning Commissioner for the City of Santa Rosa, Respondent Michael Allen violated the Political Reform Act by failing to disqualify himself from two governmental decisions in which he had a financial interest, in violation of Section 87100 of the Government Code (1 count). **Total Proposed Penalty: \$3,000.**

### **Lobbying**

8. **In the Matter of Frank Molina and Strategic Solutions Advisors, No. 09/807.** Staff: Chief of Enforcement Gary Winuk and Program Specialist Bob Perna. Respondent Frank Molina, a registered California Lobbyist and Respondent Strategic Solutions Advisors, a California Lobbying Firm, failed to timely file quarterly lobbyist and lobbying firm reports in violation of Government Code Sections 86113 and 86114 (12 counts) **Total Proposed Penalty: \$30,000.**

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

9. **In the Matter of Liz Lease, No. 10/640.** Staff: Political Reform Consultant Jeanette E. Turvill. Liz Lease, a member of the County of Sonoma Community Services and Environment Commission, failed to timely file her 2009 annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count).  
**Total Proposed Penalty: \$200.**
10. **In the Matter of Atanacio Martin, FPPC No. 10/736.** Staff: Political Reform Consultant Jeanette E. Turvill. Atanacio Martin, an alternate member of the California Walnut Commission, failed to timely file his assuming office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count).  
**Total Proposed Penalty: \$200.**
11. **In the Matter of Joseph Phillips, FPPC No. 10/1109.** Staff: Political Reform Consultant Teri Rindahl. Respondent Joseph Phillips, a board member of the California African American Museum, failed to file a 2008 annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count).  
**Total Proposed Penalty: \$200.**

12. **In the Matter of Armin Wolski, FPPC No. 10/ 996.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent Armin Wolski, a member of the Board of Examiners for the City and County of San Francisco’s Department of Building Inspection, failed to timely file a 2009 annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count).  
**Total Proposed Penalty: \$200.**

**Statement of Economic Interests – Failure to Report**

13. **In the Matter of Tatsuya Suda, FPPC No. 10/1007.** Staff: Commission Counsel Zachary W. Norton. Respondent Tatsuya Suda, Professor of Computer Science and a principal investigator with the University of California, Irvine, failed to disclose on the Statement of Economic Interests he filed in conjunction with an application for a research project, his interests in a non-governmental funding source that provided grants for his projects, in violation of Government Code section 87300 (4 counts).  
**Total Proposed Penalty: \$14,000.**

14. **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: \$2,000.**

**Statement of Economic Interests – Failure to Report - Streamline**

15. **In the Matter of Cary Marlow, FPPC No. 08/508.** Senior Commission Counsel Luisa Menchaca. Respondent Marlow was a senior building inspector and designated employee of the City of Burbank. Respondent Marlow failed to timely disclose reportable interests in a business entity on his 2007 annual Statement of Economic Interests, in violation of Government Code Sections 87300 and 87302 (1 count). **Total Proposed Penalty: \$400.**

**GENERAL - ITEMS 16 THROUGH 22**

16. **Discussion of Recommendation by the Chairman’s Advisory Task Force on the Political Reform Act:** Multi-Purpose Organizations – Applying a last-in, first-out (“LIFO”) formula for identifying a multi-purpose organization’s donors when such an organization qualifies as a committee under the Political Reform Act.
17. **Repeal of Regulations 18451, 18452, and 18453 and Adoption of Regulation 18451 – CalSTRS and CalPERS Elections.** Staff: Commission Counsel Brian G. Lau and General Counsel Scott Hallabrin. This regulatory action implements a part of Senate Bill 1007, which was effective January 1, 2011 and incorporates CalSTRS and CalPERS elections into the Act’s existing campaign reporting rules applicable to all other state elective offices. Staff proposes repealing superseded rules currently

applicable to CalPERS elections and adding new Regulation 18451 to clarify that, as with all other candidates for elective state office, the Act's electronic campaign reporting rules apply if the candidate's committee reaches specified cumulative dollar thresholds for contributions, expenditures or loans.

18. **Emergency Adoption of Amendments to Regulations 18734 and 18751—Financial Disclosure by Employees of Newly Created Agencies:** Staff: Commission Counsel William J. Lenkeit and General Counsel Scott Hallabrin. The amendments to Regulation 18734 would clarify that new positions at newly created agencies are subject to the same filing requirements as new positions at existing agencies. The proposed amendments to Regulation 18751 would eliminate the conflict-of-interest code filing exception for agencies that are in existence for less than one year. These regulatory amendments are proposed on an emergency basis.
19. **Approval of Form 802, Agency Report of Ceremonial Role Events and Ticket/Admission Distributions.** Staff: Lynda Cassady, Chief, Technical Assistance Division. Staff requests approval of revisions made to add greater clarity and conform to recent regulatory changes.
20. **Legislative Report.** Staff: Legislative Coordinator Tara Stock.
21. **Litigation Report.** Staff: General Counsel Scott Hallabrin.
22. **Executive Director's Report.** Staff: Executive Director Roman Porter.

#### **CLOSED SESSION**

23. **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).