

**NOTICE AND AGENDA
Commission Meeting¹**

**Please Note Location Change:
Los Angeles City Hall
200 North Spring Street, Room 1010
Los Angeles, CA 90012**

**Thursday, June 9, 2011
10:00 AM**

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 18

¹You 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. 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.

2. **Approval of April 11, 2011 Commission meeting minutes.**

Campaign Reporting Violation

3. **In the Matter of Edwin Jacinto; FPPC No. 10/225 (Default Decision).** Staff: Commission Counsel Milad Dalju and Special Investigator Janet Seely. Edwin Jacinto, as a candidate for a seat on the Lynwood City Council in the November 3, 2009, general election, failed to file pre-election campaign statements for the July 1, 2009, through September 19, 2009, reporting period, by the September 24, 2009, deadline; the September 20, 2009, through October 17, 2009, reporting period, by the October 22, 2009, deadline, in violation of Government Code Sections 84200.5, subd. (c), and 84200.8 subd. (a)(b) (2 counts), and failed to file semi-annual campaign statements for the October 18, 2009, through December 31, 2009, reporting period, by the February 1, 2010, deadline, and the January 1, 2010, through June 30, 2010, reporting period, by the August 2, 2010, deadline, in violation of Government Code Section 84200, subd. (a) (2 counts). **Total Proposed Penalty: \$12,000.**

4. **In the Matter of Jeff Stone, Jeff Stone for State Senate 2010, and Joseph Kuebler; FPPC No. 10/552.** Staff: Commission Counsel Bridgette Castillo, and Special Investigator Leon Nurse-Williams. Respondent Jeff Stone was an unsuccessful candidate for the California State Senate in the June 8, 2010, primary election, representing the 36th District. The Jeff Stone for State Senate 2010 committee ("Respondent Committee") was the candidate controlled committee. At all relevant times, Respondent Joseph Kuebler was the treasurer for Respondent Committee. Respondents failed to file online campaign reports disclosing contributions received of \$1,000 or more totaling \$84,052 during the 90 day period before an election, in violation of Government Code Section 85309, subd. (a) (8 counts). **Total Proposed Penalty: \$16,000.**

Campaign Reporting Violation – Streamline

5. **In the Matter of San Diego County Otay Water District Board Member Larry Breitfelder; FPPC No. 11/104.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent Larry Breitfelder, a board member for the San Diego County Otay Water District, failed to timely file the campaign short form covering

the period of calendar year 2010 with the County of San Diego, in violation of Government Code Section 84206 (1 count). **Total Proposed Penalty: \$200.**

6. In the Matter of Brown for Council 2010 Committee, David Brown, and Wayne Ivey, Treasurer; FPPC No. 11/207. Staff: Political Reform Consultant Teri Rindahl. Marina City Councilman David Brown, and his committee, Brown for Council 2010 Committee, failed to timely file a semiannual campaign statement for the period ending December 31, 2010, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

7. In the Matter of Sergio Calderon; Friends of Calderon for Director, and Billie Hernandez, Treasurer; FPPC No. 11/053. Staff: Political Reform Consultant Teri Rindahl. Respondents Sergio Calderon, a board member for Water Replenishment District 4, his committee, Friends of Calderon for Director, and Billie Hernandez, Treasurer, failed to timely file a pre-election campaign statement for the period covering October 1, 2010, through October 16, 2010, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$400.**

8. In the Matter of Georges Marciano, Georges Marciano for Governor 2010, and Georges Marciano, Treasurer; FPPC No. 10/353. Staff: Political Reform Consultant Adrienne Korchmaros. Respondents Georges Marciano, Georges Marciano for Governor 2010, and Georges Marciano as his committee's treasurer, failed to timely file two semiannual reports covering the periods July 1, 2009, through December 31, 2009, and January 1, 2010, through June 30, 2010, with either the Secretary of State's office, both the paper and the electronic version, or the County of Los Angeles, in violation of Government Code Section 84200 (6 counts). **Total Proposed Penalty: \$1,200.**

9. In the Matter of Committee to Elect Joseph Messina, Joseph Messina, Board Member, and R.J. Kelly, Treasurer; FPPC No. 09/233. Staff: Chief of Enforcement Gary Winuk and Law Clerk Amanda Allen. William S. Hart High School District Board member and Candidate Joseph Messina, and his committee, Committee to Elect Joseph Messina, and R.J. Kelly, Treasurer, failed to timely file one pre-election and one semiannual campaign statement, for the reporting periods ending December 31, 2007, and December 31, 2008, in

violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$400.**

10. **In the Matter of Ronald C. Smith, Friends of Ron Smith, and Ronald C. Smith, Treasurer; FPPC No. 10/1050.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents Ronald C. Smith, a candidate for West Basin Municipal Water District, Friends of Ron Smith, and Ronald C. Smith as his committee's treasurer, failed to timely file one semiannual report covering the period January 1, 2010, through June 30, 2010, with the County of Los Angeles, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

Conflict of Interest

11. **In the Matter of Louie Martinez; FPPC No. 09/261.** Staff: Senior Commission Counsel Neal Bucknell and Special Investigator Beatrice Moore. Respondent Louie Martinez was a Senior Project Manager for the City of Irvine. In or about October 2007 and July 2008, he accepted over-the-limit gifts (substantially discounted home landscaping services) from Artistic Maintenance, Inc., in violation of Government Code Section 89503, subdivision (c) (2 counts). Also, in or about April 2008, Respondent used his official position to influence a governmental decision in which he had reason to know that he had a financial interest, in violation of Government Code Section 87100 (1 count). Specifically, he inspected civic center landscaping work performed by Artistic Maintenance, Inc., and based upon this inspection, he approved an invoice for payment of approximately \$86,000 to Artistic Maintenance, Inc. **Total Proposed Penalty: \$8,000.**

Statement of Economic Interests – Failure to File – Streamline

12. **In the Matter of Marilyn Anderson; FPPC No. 10/824.** Staff: Political Reform Consultant Adrienne Korchmaros. Marilyn Anderson, City of South Pasadena finance committee member, failed to timely file an assuming office and 2009 annual Statement of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$800.**

13. **In the Matter of Peter Arellano; FPPC No. 11/016.** Staff: Political Reform Consultant Jeanette E. Turvill. Peter Arellano, a member of the South County Regional Wastewater Authority, failed to timely file his 2009 annual Statement of Economic Interests by the April 1, 2010, deadline, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**
14. **In the Matter of Rod Dowse; FPPC Case No. 10/986.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent Rod Dowse, a Grenada Irrigation District board member for the County of Siskiyou, failed to timely file his 2009 annual Statement of Economic Interests covering the period January 1, 2009, through December 31, 2009, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
15. **In the Matter of Jon Messick; FPPC No. 09/580.** Staff: Chief of Enforcement Gary Winuk, Law Clerk Amanda Allen. Respondent Jon Messick, Planning Commissioner for the County of Yuba, failed to timely file a 2008 annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**
16. **In the Matter of Erin O'Brien; FPPC No. 11/017.** Staff: Political Reform Consultant Jeanette E. Turvill. Erin O'Brien, a member of the Santa Clara County Social Services Advisory Commission, failed to timely file her 2009 annual Statement of Economic Interests by the April 1, 2010, deadline, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
17. **In the Matter of Gale Simmons; FPPC No. 11/010.** Staff: Political Reform Consultant Jeanette E. Turvill. Gale Simmons, a member of the Santa Clara County Child Abuse Council, failed to timely file her 2009 annual Statement of Economic Interests by the April 1, 2010, deadline, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
18. **In the Matter of Julie Tumamait-Stenslie; FPPC No. 10/1104.** Staff: Political Reform Consultant Teri Rindahl. Respondent Julie Tumamait-Stenslie, a commissioner of the Native American Heritage Commission, failed to file a 2009 annual Statement of Economic Interests, in violation of Government Code

Section 87300 (1 count). **Total Proposed Penalty: \$200.**

GENERAL – Items 19 Through 24

Re-Hearing

- 19. In the Matter of Frank Molina and Strategic Solutions Advisors; FPPC 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 from January 1, 2007, through December 31, 2009, in violation of Government Code Sections 86113 and 86114 (12 counts). **Total Proposed Penalty: \$30,000.**

Regulatory Amendments

- 20. Amendments to Regulation 18360 – Commission Decisions to Investigate.**

Commission Staff: General Counsel Scott Hallabrin and Commission Counsel Sukhi Brar. Staff proposes amendments to Regulation 18360 to require that, except in specified circumstances, no member of the Commission communicate a decision either to investigate, or to take other specified action on, an alleged violation of the Political Reform Act until at least five days have passed from the date the subject of the investigation or alleged violator has been sent notice of the Commission's action. The amendments also seek to clarify that notice of these actions must be contemporaneously sent to any complainant and the subject of the investigation or other action. These amendments are being proposed and to provide due process in the interest of fundamental fairness to subjects of Enforcement complaints and investigations.

- 21. Regulatory Planning for the Year 2011-2012.**

Staff: Assistant General Counsel John W. Wallace. Staff is presenting a process for planning and calendaring regulation projects. The goal will be to create a system that provides advance notice to the public, staff, and the commissioners of upcoming regulatory amendments and adoptions. The early circulation of

regulatory ideas and concepts should result in a more predictable system for promulgating and adopting or amending regulations and a better final product overall. Specific regulation projects and a tentative calendar will be presented to the Commission at a future meeting.

Staff Reports

- 22. **Legislative Report.** Legislative Coordinator Tara Stock.
- 23. **Litigation Report.** John Wallace.
- 24. **Executive Director's Report.** Executive Director Roman Porter.

CLOSED SESSION

- 25. **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).*

Upon adjournment of the Commission Meeting:

Staff of the Fair Political Practices Commission will hold an interested persons' meeting to solicit general public comment and suggestions on revising FPPC regulations or FPPC regulatory schemes and thus enable individuals and entities subject to the Political Reform Act (the "Act") to better comply with the Act. Please note that a majority of the Commission may be in attendance.

At the meeting, staff will solicit comments and suggestions on the following general topics:

- 1. Existing regulations or regulatory schemes that are unclear, difficult to comply

with, internally inconsistent, extraneous, or outdated.

2. Any other comments or suggestions that will assist the FPPC in adopting and maintaining clear, consistent, up-to-date regulations that are easier for the regulated public to comply with.
3. New regulations needed to implement or clarify specific statutory provisions in the Act.