



NOTICE AND AGENDA
California Fair Political Practices Commission Meeting¹

Please Note Location Change:

Los Angeles County Board of Supervisor's Hearing Room
500 W. Temple Street
Room 381 B
Los Angeles, CA 90012

Thursday, October 13, 2011
10:00 AM

WELCOME AND INTRODUCTION

Commission Chair, Ann M. Ravel

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.

¹You 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. 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.

PROPOSED CONSENT CALENDAR – Items 2 through 13

Any member of the Commission and/or public may request that items be removed from the consent calendar for discussion and/or vote.

2. **Approval of September 22, 2011 Commission meeting minutes.**

Campaign Reporting Violations:

3. **In the Matter of Monterey County Republican Central Committee and Chris Steinbruner, FPPC No. 08/761.** Staff: Senior Commission Counsel Galena West and Program Specialist Luz Bonetti. In this matter, Respondents Monterey County Republican Central Committee and Chris Steinbruner failed to timely file late contribution reports disclosing contributions made in the amount of \$530,183 and received in the amount of \$20,000, in violation of Sections 84203, subdivision (a) and 84605, subdivision (a)(2), of the Government Code (6 counts); failed to report on a pre-election campaign statement for the reporting period ending September 30, 2006, required subvendor information, in violation of Sections 84211, subdivision (k), and 84303 of the Government Code (1 count); impermissibly accepted three contributions each in excess of the \$30,200 contribution limit from one source for the purpose of making contributions to support candidates for elective state office, in violation of Section 85303, subdivision (b) of the Government Code (1 count); and used contributions in excess of the contribution limit to make contributions to candidates for elective state office, in violation of Section 85303, subdivision (c) of the Government Code (1 count). **Total Proposed Penalty: \$25,000.**
4. **In the Matter of Maxine Sherard, Sherard for Assembly 2006, and Sherard for Assembly 2008, FPPC No. 10/26 (Default Decision).** Staff: Senior Commission Counsel Neal Bucknell, Special Investigator Paul Rasey, and Law Clerk Amanda Allen. Respondent Maxine Sherard was a candidate for the California State Assembly in 2006 and 2008. Respondents Sherard for Assembly 2006 and Sherard for Assembly 2008 were her candidate controlled committees for these elections. In this matter, Respondents failed to file amended statements of organization regarding changes as to committee treasurers in violation of Government Code section 84103, subdivision (a) (2

counts). Also, Respondents failed to file semi-annual campaign statements for reporting periods ending June 30, 2008, November 7, 2008, December 31, 2008, June 30, 2009, December 31, 2009, and June 3, 2010, in violation of Government Code section 84200, subdivision (a) (2 counts). Additionally, Respondents failed to file terminating statements of organization in violation of Government Code section 84214 (2 counts). Also, Respondents failed to report all required information regarding loans received on campaign statements filed for reporting periods ending May 17, 2008 and June 30, 2008, in violation of Government Code section 84211, subdivision (g) (1 count). Additionally, Respondents failed to refund a general election contribution in excess of campaign contribution limits, after losing in the primary election, in violation of Government Code section 85318 (1 count). (Note: not all counts apply to all respondents.) **Total Proposed Penalty: \$20,000.**

Conflict of Interest:

5. **In the Matter of David Cole, FPPC No. 06/1148. (Default Decision)** Staff: Senior Commission Counsel Angela Brereton and Senior Special Investigator Leon Nurse-Williams. Respondent David Cole was a member of the Pinole City Council and as such, was also a board member of the Pinole Redevelopment Agency in Pinole, CA, from 2000 to 2007. In this matter, on multiple occasions in 2003 – 2007, Respondent made governmental decisions in which he had a material financial interest, by voting on matters before the Pinole Redevelopment Agency and the Pinole City Council involving The Kivelstadt Group, which was a significant source of income to Respondent, in violation of Government Code Section 87100 (16 counts); failed to disclose his income from and business position with Pinole Valley Landscape in his annual statements of economic interests for 2003 – 2006, in violation of Government Code Sections 87207, subdivision (b) and 87209 (4 counts); and failed to disclose The Kivelstadt Group as a source of income to him through Pinole Valley Landscape in his annual statements of economic interests for 2003 – 2006, in violation of Government Code Section 87207, subdivision (b)(2) (4 counts). **Total Proposed Penalty: \$116,000.**

Major Donor – Streamline

6. **In the Matter of Thomas C. Ford, FPPC Case No. 11/ 461.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent Thomas C. Ford failed to timely file major donor semiannual reports covering the periods January 1, 2010 through June 30, 2010, due July 31, 2010, and July 1, 2010 through December 31, 2010, due January 31, 2011 with the Secretary of State in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$800.**

Statement of Economic Interests Non-filer – Streamlined:

7. **In the Matter of Chris Miley FPPC No. 11/488** Staff: Chief of Enforcement Gary Winuk, Law Clerk Bridgette Gallagher. City of Oakland employee failed to timely file an annual Statement of Economic Interests for the reporting period of January 1, 2009 through December 31, 2009, due April 1, 2010, in violation of Government Code Section 87300. **Total Proposed Penalty: \$200.**
8. **In the Matter of Risha Jamison, FPPC No. 11/487** Staff: Chief of Enforcement Gary Winuk, Law Clerk Bridgette Gallagher. City of Oakland employee failed to timely file an annual Statement of Economic Interests for the reporting period of January 1, 2009 through December 31, 2009, due April 1, 2010, in violation of Government Code Section 87300. **Total Proposed Penalty: \$200.**
9. **In the Matter of Benjamin Scott, FPPC No. 11/555.** Staff: Chief of Enforcement Division Gary Winuk and Law Clerk Alisha Heilman. Respondent Benjamin Scott, Commissioner, Oakland Rent Board, failed to timely file an annual Statement of Economic Interests for the reporting period of January 1, 2009 through December 31, 2009, due April 1, 2010, in violation of Government Code section 87300 (1 count). **Total Proposed Penalty: \$200.**
10. **In the Matter of Robert Dias, FPPC No. 11/583.** Staff: Chief of Enforcement Division Gary Winuk and Law Clerk Alisha Heilman. Respondent Robert Dias, Project Manager, City of Oakland, failed to timely file an annual Statement of Economic Interests for the reporting period of January 1, 2009 through December 31, 2009, due April 1, 2010, in violation of Government Code section 87300 (1 count). **Total Proposed Penalty: \$200.**

11. **In the Matter of Michael R. Wright; FPPC No. 11/290.** Staff: Commission Counsel Bridgette Castillo and Political Reform Consultant Jeanette Turvill. Respondent Michael R. Wright ("Respondent Wright"), Commissioner for the City of Sonora Parking and Traffic Commission failed to timely file an annual Statement of Economic Interests for the reporting period of January 1, 2010 through December 31, 2010, due April 1, 2011, in violation of Government Code section 84300 (1 Count). **Total Proposed Penalty: \$200.**
12. **In the Matter of Jo-Ellen Spencer, FPPC No. 11/532.** Staff: Political Reform Consultant Teri Rindahl and Law Clerk Kyle Levy. Respondent Jo-Ellen Spencer, Board or Commission member for the City of Oakland, failed to file an annual Statement of Economic Interests for the reporting period of January 1, 2009 through December 31, 2009, due April 1, 2010, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**
13. **In the Matter of Patricia Breslin, FPPC No. 11/816.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent Patricia Breslin, a member of the City and County of San Francisco Rate Fairness Board, failed to timely file an annual Statement of Economic Interests for the reporting period of January 1, 2010 through December 31, 2010, due April 1, 2011, in violation of Government Code section 84300 (1 count). **Total Proposed Penalty: \$200.**

GENERAL ITEMS – Items 14 through 15

14. **Discussion Item: Soliciting general public comments and suggestions on possible Commission responses to recent accounts of wide-spread campaign fraud.** Commission staff. Recent news reports and criminal allegations regarding wide-spread campaign fraud uncovered as a result of proactive audits by the Commission's Enforcement Division have resulted in a number of regulatory questions. The Commission has relocating its, October Commission meeting to Los Angeles in order to facilitate public participation, by those directly affected, in the discussion of any actions the Commission may consider taking at future meetings in response to these events.
15. **Adoption of Regulation 18421.31 – Text Message Contributions.** Staff:

Senior Commission Counsel Hyla Wagner and General Counsel Zackery P. Morazzini. Proposed Regulation 18421.31 provides that a committee may raise funds through text message contributions under the Act. It sets forth the existing requirements of the Act applicable to a political committee that wishes to create a fundraising program of text message contributions. The regulation does not impose any duties on wireless carriers. The Commission is considering this regulation as part of its efforts to keep the Act current with mobile technology people use daily and to create new ways for Californians to participate in the political process.

STAFF REPORTS – Items 14 through 19

16. **Legislative Report.** Staff: Legislative Coordinator, Tara Stock
17. **Litigation Report.** Staff: General Counsel, Zackery P. Morazzini
18. **Legal Division.** Staff: General Counsel, Zackery P. Morazzini
19. **Enforcement Division.** Staff: Chief of Enforcement, Gary Winuk
20. **Technical Assistance Division.** Staff: Chief of T.A.D., Lynda Cassady
21. **Administration Division.** Staff: Chief of Administration, Tina Bass