

**NOTICE AND AGENDA
Commission Meeting¹
428 J Street, Suite 800
Sacramento, CA 95814**

**Thursday, September 22, 2011
10:00 a.m.**

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.

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

2. Approval of June 11, 2011, Commission meeting minutes.

Campaign Reporting Violations

3. In the Matter of Charles R. Brehmer, Brehmer for Judge and Jon W. Parnell, FPPC No. 10/591. Staff: Senior Commission Counsel Galena West and Program Specialist Luz Bonetti. In the 2008 General Election, Respondent Charles R. Brehmer was a successful candidate for Kern County Superior Court. Respondent Brehmer for Judge was his candidate controlled committee and Respondent Jon W. Parnell was the treasurer.

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.

Respondents received three cash contributions of \$100 or more, in violation of Government Code Section 84300, subdivision (a) (1 count), failed to disclose the true source of a loan received, in violation of Government Code Sections 84211, subdivision (g) and 84301, (1 count), and failed to timely file two semi-annual campaign statements, for the January 1, 2009, through June 30, 2009, and July 1, 2009, through December 31, 2009, reporting periods, in violation of Government Code Section 84200, subdivision (a) (1 count). **Total Proposed Penalty: \$5,500.**

4. **In the Matter of Sergio Casanova and Alhambra Firefighter's PAC; FPPC No. 10/521 (Default Decision).** Staff: Commission Counsel Milad Dalju and Political Reform Consultant Jeanette E. Turvill. Respondent Alhambra Firefighter's PAC, a state general purpose committee, and its treasurer, Respondent Sergio Casanova, failed to file a semi-annual campaign statement for the July 1, 2009, through December 31, 2009, reporting period, the January 1, 2010, through June 30, 2010, reporting period, and the July 1, 2010, through December 31, 2010, reporting period, in violation of Government Code Section 84200, subdivision (a) (3 counts). **Total Proposed Penalty: \$7,500.**

5. **In the Matter of Cindy Finerty, Committee to Elect Cindy Finerty, and Debbi Hall, FPPC No. 10/947.** Staff: Commission Counsel Bridgette Castillo and Special Investigator Beatrice Moore. Respondent Cindy Finerty is currently a member of the Palm Desert City Council and has been a member since 2006. The Committee to Elect Cindy Finerty is Respondent Finerty's controlled committee and at all relevant times, Respondent Debbi Hall was its treasurer. Respondents violated the requirements of the Political Reform Act by making an independent expenditure from the Respondent Committee to Elect Cindy Finerty to support Jean Benson and Jim Ferguson for Palm Desert City Council in the November 2, 2010, election, in violation of Government Code Section 85501 (1 count). **Total Proposed Penalty: \$2,500.**

6. **In the Matter of Ben Hueso, Ben Hueso for State Assembly 2010, and Nancy Haley, Treasurer, FPPC No. 10/1041.** Staff: Commission Counsel Milad Dalju and Special Investigator Annaraine Diaz-Sham. On or about October 7, 2010, Respondents impermissibly contributed twenty-five thousand dollars (\$25,000) from Ben Hueso for State Assembly 2010 to San Diegans for Healthy Neighborhoods and a Strong Economy to Support Felipe Hueso for City Council - 2010 Sponsored by San Diego-Imperial Counties Labor Council AFL-CIO, for the purpose of making independent expenditures to support another candidate, a violation of Government Code Section 85501. **Total Proposed Penalty: \$2,000.**

7. **In the Matter of Stuart Waldman, Friends of Stuart Waldman, and Kinde Durkee; FPPC No. 10/643.** Staff: Senior Commission Counsel Neal Bucknell and Program Specialist Grant Beauchamp. Respondent Stuart Waldman was an unsuccessful candidate for the California State Assembly, Fortieth District, in the 2008 Primary Election. Respondent Friends of Stuart Waldman was his controlled committee, and Respondent Kinde Durkee was the committee treasurer. In this matter, from January 1, 2006, through

June 30, 2008, Respondent Waldman failed to deposit personal funds totaling approximately \$76,000 into his committee's single, designated campaign bank account prior to expenditure, in violation of Government Code Section 85201, subdivisions (d) and (e) (1 count). Also, for the reporting periods from January 1, 2006, through June 30, 2008, respondents failed to correctly report campaign expenditures totaling approximately \$76,000 on filed campaign statements, in violation of Government Code Section 84211, subdivision (k) (1 count). Additionally, respondents failed to timely report subvendor information for payments totaling approximately \$173,013 on the semi-annual campaign statement filed for the period ending June 30, 2008, in violation of Government Code Sections 84211, subdivision (k), and 84303 (1 count). **Total Proposed Penalty: \$8,000.**

Campaign Reporting Violations - Streamline Program

8. **In the Matter of Asian American Political Empowerment Committee, Buu Thai, Treasurer; FPPC No. 09/0221.** Staff: Chief of Enforcement Gary Winuk and Legal Analyst Tracey Frazier. Respondents Asian American Political Empowerment Committee, and its treasurer, Buu Thai, failed to timely file one semi-annual campaign statement for the reporting period of July 1, 2008, through December 31, 2008, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

9. **In the Matter of Citizens for Integrity in Government and Armando Aravlozo, Treasurer, FPPC No. 11/274.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents Citizens for Integrity in Government and its treasurer, Armando Aravlozo, failed to timely file semi-annual reports covering the periods January 1, 2006, through December 31, 2006, due July 31, 2006, and January 31, 2007; January 1, 2007, through December 31, 2007, due July 31, 2007, and January 31, 2008; January 1, 2008, through June 30, 2008, due July 31, 2008; and January 1, 2010, through June 30, 2010, due July 31, 2010, with the City of Santa Clarita, in violation of Government Code Section 84200 (4 counts). **Total Proposed Penalty: \$800.**

10. **In the Matter of City of Beaumont Candidate Victor Dominguez and Victor Dominguez for Beaumont City Council 2010, FPPC No. 11/197.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents Victor Dominguez and Victor Dominguez for Beaumont City Council 2010 failed to timely file a semi-annual campaign statement for the period October 17, 2010, through December 31, 2010, due January 31, 2011, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

11. **In the Matter of Gabrielian for Glendale College, Anita Gabrielian, FPPC No. 11/325.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Dayna Bryant. Glendale Community College District Board of Trustees member and candidate Anita Gabrielian, and her committee, Gabrielian for Glendale College, failed to timely file one semi-annual campaign statement, for the reporting period of July 1, 2010, through December 31, 2010, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

12. **In the Matter of Noel A. Jaimes; FPPC No. 10/658.** Staff: Commission Counsel Milad Dalju. State Senate Candidate Noel A. Jaimes failed to timely file a Form 470 campaign statement covering the period January 1, 2010, through December 31, 2010, due on March 22, 2010, with the Secretary of State, in violation of Government Code Section 84206 (1 count). **Total Proposed Penalty: \$400.**

13. **In the Matter of Roberto Cruz, FPPC No. 10/1051.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent County of Los Angeles El Monte School District Member Roberto Cruz failed to timely file a Form 470 campaign statement covering the period January 1, 2010, through December 31, 2010, due on August 2, 2010, with the County of Los Angeles, in violation of Government Code Section 84206 (1 count). **Total Proposed Penalty: \$200.**

14. **In the Matter of Philip Janzen, Committee to Elect Philip Janzen, FPPC No. 09/802.** Staff: Commission Counsel Bridgette Castillo and Special Investigator Beatrice Moore. Respondent Philip Janzen was a candidate for the Madera Unified School District Board of Trustees. Respondent Committee to Elect Philip Janzen was the controlled committee of Respondent Janzen. Respondents failed to timely file one semi-annual campaign statement for the period October 22, 2006, through December 31, 2006, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$400.**

15. **In the Matter of NorCal Grassroots for John Martinez, John Martinez, Treasurer, FPPC No. 10/357.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Janelle Yanssens. Respondent John Martinez, and his committee, NorCal Grassroots for John Martinez, failed to timely file two semi-annual campaign statements for the reporting periods ending June 30, 2008, and December 31, 2008, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$400.**

16. **In the Matter of Santa Barbara County Lincoln Club and Cory Bantilan, Treasurer; FPPC No. 10/989.** Staff: Commission Counsel Milad Dalju. Santa Barbara County Lincoln Club and its treasurer Cory Bantilan failed to file a semi-annual campaign statement for the July 1, 2010, through December 31, 2010, reporting period, by the January 31, 2011 deadline, in violation of Government Code Section 84200. **Total Proposed Penalty: \$400.**

17. **In the Matter of the Tuolumne County Democratic Central Committee, and Joann M. Rascon, Treasurer, FPPC No. 11/285.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Dayna Bryant. The Tuolumne County Democratic Central Committee, and its treasurer, Joann M. Rascon, failed to timely file one semi-annual campaign statement for the reporting period July 1, 2010, through December 31, 2010, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

18. **In the Matter of Jennifer Villasenor, Committee to Elect Jennifer Villasenor, and Stephanie Villasenor, Treasurer; FPPC No. 09/397.** Staff: Chief of Enforcement

Gary Winuk and Legal Analyst Tracey Frazier. Respondents Jennifer Villasenor, Committee to Elect Jennifer Villasenor, and its treasurer Stephanie Villasenor, failed to timely file three semi-annual campaign statements for the reporting periods of July 1, 2007, through December 31, 2007, January 1, 2008, through June 30, 2008, and July 1, 2008, through December 31, 2008, in violation of Government Code Section 84200 (3 counts). **Total Proposed Penalty: \$600.**

Conflict of Interest

19. **In the Matter of Jan Horton, FPPC No. 09/671.** Staff: Commission Counsel Bridgette Castillo and Special Investigator Annaraine Diaz. As a member of the Yorba Linda City Council, Respondent Jan Horton impermissibly made a governmental decision in which she had a material financial interest, by voting to send the 2008-2014 Draft Housing Element back to staff for refinement on the housing densities of specific parcels, including the reduction of the housing densities proposed at the Lakeview/Strawberry Field parcel and the Lakeview/Altrudy parcel, located within 500 feet of her real property, in violation of Government Code Section 87100 (1 count). **Total Proposed Penalty: \$3,000.**

Gift Limit Violation

20. **In the Matter of Bob Archuleta, FPPC No. 11/097.** Staff: Commission Counsel Zachary W. Norton. In this matter, Bob Archuleta, a member of the Pico Rivera City Council, accepted gifts from a single source in 2008, which exceeded the respective annual gift limit of \$390, in violation of Government Code Section 89503 subdivision (c) (1 count). **Total Proposed Penalty: \$1,500.**

Lobbying

21. **In the Matter of AMN Healthcare, Inc., FPPC No. 11/085.** Staff: Commission Counsel Milad Dalju. Respondent AMN Healthcare, Inc., a registered California lobbyist employer, failed to timely file quarterly lobbyist employer reports for the July 1, 2010, through September 30, 2010, and October 1, 2010, through December 31, 2010, reporting periods, in violation of Government Code Section 86115 (2 counts). Respondent AMN Healthcare, Inc. made \$24,212.34 in payments to lobbying firms during those reporting periods. **Total Proposed Penalty: \$1,600.**

22. **In the Matter of California Gaming Association, FPPC No. 11/137.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Dayna Bryant. Lobbyist employer California Gaming Association failed to timely file a quarterly statement for the reporting period of July 1, 2010, through September 30, 2010 (during which it spent \$15,000 on lobbying activity), in violation of Government Code Section 86115 (1 count). **Total Proposed Penalty: \$200.**

23. **In the Matter of California Youth Build Coalition, FPPC No. 10/677.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Janelle Yanssens. Lobbyist employer California Youth Build Coalition failed to timely file eight reports of lobbyist employer, for the reporting

periods ending March 31, 2008; June 30, 2008; September 30, 2008; December 31, 2008; June 30, 2009; September 30, 2009; December 31, 2009; and March 31, 2010, in violation of Government Code Section 86115 (8 counts). During this time, California Youth Build Coalition spent \$45,750 on lobbying activity. **Total Proposed Penalty: \$1,600.**

24. **In the Matter of Matt Gray and STS Ventures LLC, FPPC No. 11/086.** Staff: Chief of Enforcement Gary Winuk and Law Clerk Janelle Yanssens. Lobbyist employer STS Ventures LLC failed to timely file two reports of lobbyist employer for the reporting periods ending September 30, 2010, and December 31, 2010, in violation of Government Code Section 86115 (2 counts). **Total Proposed Penalty: \$400.**

25. **In the Matter of Starbucks Coffee Company; FPPC No. 11/087.** Staff: Chief of Enforcement Gary Winuk and Legal Analyst Tracey Frazier. Lobbyist employer Starbucks Coffee Company failed to timely file one quarterly statement for the reporting period of July 1, 2010, through September 30, 2010, in violation of Government Code Section 86115 (1 count). During this time, Starbucks Coffee Company spent \$22,500 on lobbying activity. **Total Proposed Penalty: \$200.**

Major Donor - Streamline

26. **In the Matter of William Abbott FPPC No. 11/467.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent William Abbott, who qualified as a major donor committee in the first half of 2010, failed to timely disclose 11 contributions, totaling \$13,699.50, to various candidates, both state and local, on a semi-annual statement covering the first half of 2010. This omission is in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$537.00.**

27. **In the Matter of Zelma Allred, FPPC No. 11/463.** Staff: Political Reform Consultant Teri Rindahl. Zelma Allred, a major donor committee, failed to timely file a major donor statement, Form 461, for contributions totaling \$3,000 for the period July 1, 2009, through December 31, 2009, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$400.00.**

Mass Mailing

28. **In the Matter of Peter Cuthbert, FPPC No. 10/1000.** Staff: Commission Counsel Zachary W. Norton. Respondent Peter Cuthbert qualified as an independent expenditure committee in October of 2010. Prior to the November 2, 2010, La Mesa City Council election, Respondent paid for and caused to be sent a mass mailer which endorsed two city council candidates and a mayoral candidate on the ballot in La Mesa, which failed to identify Respondent as the sender of the mailer, in violation of Government Code Section 84305, subdivision (a) (1 count). **Total Proposed Penalty: \$2,500.**

29. **In the Matter of Paul Fickas and Decline to State Voter Guide, FPPC No. 10/959.** Staff: Chief of Enforcement Gary Winuk, and Program Specialist Grant Beauchamp. Respondent Decline to State Voter Guide is a slate mailer organization. Respondent Paul Fickas formed Respondent Decline to State Voter Guide and directed its activity. In this matter, Respondents failed to include required wording in the slate mailer disclaimer "Notice to Voters" and to place asterisks following the names of the candidates that paid to appear in slate mailers sent in connection with the November 2, 2010, election, in violation of Government Code Section 84305.5, subdivisions (a)(2) and (4) (1 count). **Total Proposed Penalty: \$1,500.**

Robocall Disclosure

30. **In the Matter of Neighbors Opposing Tebbs, Eason & Haney for Fire Board 2010, and Thomas J. Francl, Treasurer, FPPC No. 10/1090.** Staff: Commission Counsel Milad Dalju and Special Investigator Janet Seely. On or about October 15, 2010, Respondent Neighbors Opposing Tebbs, Eason & Haney for Fire Board 2010, a recipient committee, and its treasurer, Respondent Thomas J. Francl, violated the Political Reform Act by expending campaign funds on "Robocalls" (telephone calls that are similar in nature and aggregated 500 or more in number) without disclosing the name of the organization that authorized or paid for the calls to the recipients of the calls, in violation of Government Code Section 84310, subdivision (a), (count 1). **Total Proposed Penalty: \$1,500.**

Statement of Economic Interests - Failure to File - Streamline

31. **In the Matter of Justin Daddow, FPPC No. 10/1105.** Staff: Commission Counsel Zachary W. Norton. Justin Daddow, a member of the California Rice Commission, failed to file a 2009 annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**

32. **In the Matter of David Kim, FPPC No. 10/774.** Staff: Senior Commission Counsel Neal Bucknell and Political Reform Consultant Teri Rindahl. David Kim, Integrated Waste Management Task Force Commissioner (County of Los Angeles), failed to timely file an annual Statement of Economic Interests for the reporting period of January 1 through December 31, 2009, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**

33. **In the Matter of Mark Schott, FPPC No. 10/616.** Staff: Commission Counsel Zachary W. Norton and Special Investigator Janet Seely. Mark Schott, a Dixie School District board member, failed to file a 2009 annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**

Statement of Economic Interests - Non-Reporting - Streamline

34. **In the Matter of Gary Corlett, FPPC No. 11/095.** Staff: Commission Counsel Zachary W. Norton and Special Investigator Mark Weber. Gary Corlett, Associate Director of Operations, California State University, Channel Islands, failed to disclose gifts of a round of golf and multiple lunches from Ameresco, Inc. valued at approximately \$125 on his 2007 annual Statement of Economic Interests, in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

35. **In the Matter of David Hutt, FPPC No. 11/252.** Staff: Commission Counsel Zachary W. Norton and Special Investigator Leon Nurse-Williams. David Hutt, Superintendent of the San Bruno Park School District, failed to report his wife's source of income, Champions, on his 2007, 2008, 2009, and 2010 annual Statements of Economic Interests, in violation of Government Code Section 87300 (4 counts). **Total Proposed Penalty: \$800.**

CalPERS - Statement of Economic Interests - Non-Reporting - Streamline

36. **In the Matter of Jesus Arguelles, FPPC Case No. 11/367.** Staff: Political Reform Consultant Teri Rindahl. Respondent Jesus Arguelles, Portfolio Manager with CalPERS, failed to timely disclose gifts on his 2006 annual Statement of Economic Interests, covering the period January 1, 2006, through December 31, 2006, his 2007 annual Statement of Economic Interests, covering the period January 1, 2007, through December 31, 2007, and his 2008 annual Statement of Economic Interests, covering the period January 1, 2008, through December 31, 2008. The gifts received were:

a gift of entertainment from ARES totaling \$73.00 in 2006; gifts of a softball event and meal from LP Capital Advisors totaling \$95.00 in 2006; gifts of meals from PCGI totaling \$125.00 in 2006; gifts of meals from Advent International totaling \$60.80 in 2007; gifts of bowling and a meal from LP Capital Advisors totaling \$74.00 in 2007; gift of a meal from UBS totaling \$57.68 in 2007; gifts of a dinner and gift bag from Advent International totaling \$89.02 in 2008; gift of entertainment from Carlyle Group totaling \$103.95 in 2008; gift of a windbreaker from GGV totaling \$78.92 in 2008; gifts of event and a meal from LP Capital Advisors totaling \$71.00 in 2008, and a gift of entertainment from Oak Hill Investment Managers totaling \$30.00 in 2008. All omissions were in violation of Government Code Section 87207(11 counts). **Total Proposed Penalty: \$2,200.**

37. **In the Matter of Lyndall Baker; FPPC No. 11/370.** Staff: Political Reform Consultant Teri Rindahl. Respondent Lyndall Baker, Portfolio Manager with CalPERS, failed to timely disclose gifts of entertainment, food, and beverage valued at \$97.28 from LP Capital Advisors on his 2006 annual Statement of Economic Interests, covering the period of January 1, 2006, through December 31, 2006, as well as entertainment, food, and beverage valued at \$99.29 from LP Capital Advisors on his 2007 annual Statement of Economic Interests, covering the period of January 1, 2007, through December 31, 2007, and also including gifts of entertainment valued at \$71.74 from LP Capital Advisors on his 2008 annual Statement of Economic Interests, covering the period of January 1, 2008, through December 31, 2008. All omissions were in violation of Government Code Section 87207 (3 counts). **Total Proposed Penalty: \$600.**

38. **In the Matter of Sarah Corr, FPPC Case No. 11/377.** Staff: Political Reform Consultant Teri Rindahl. Respondent Sarah Corr, Senior Portfolio Manager with CalPERS, failed to timely disclose the gifts detailed below on her 2006 annual Statement of Economic Interests, covering the period January 1, 2006, through December 31, 2006, her 2007 annual Statement of Economic Interests, covering the period January 1, 2007, through December 31, 2007, and her 2008 annual Statement of Economic Interests, covering the period January 1, 2008, through December 31, 2008. The gifts received were: gifts of a softball game and meals from LP Capital Advisors totaling \$97.00 in 2006; gifts of entertainment from TPG Capital totaling \$60.00 in 2006; gifts of bowling and a meal from LP Capital Advisors totaling \$60.00 in 2007; gift of entertainment from TPG Capital totaling \$60.00 in 2007; gift of a meal from Carlyle Group totaling \$50.00 in 2008; gifts of a softball game, billiards, and meals from LP Capital Advisors totaling \$72.00 in 2008; gifts of meals and a movie from Oak Hill Investment Managers totaling \$83.00 in 2008; gifts of meals and a gift card from Probitas Partners totaling \$68.00 in 2008. All omissions were in violation of Government Code Section 87207 (8 counts). **Total Proposed Penalty: \$1,600.**

39. **In the Matter of Richard Duffy, FPPC Case No. 11/385.** Staff: Gary Winuk, Chief of Enforcement and Special Investigator Paul Rasey. Respondent Richard Duffy, as an investment officer with CalPERS, failed to disclose a gift of Rose Bowl tickets, valued at \$199.80, received from Western Assets on his 2006 annual Statement of Economic Interests, covering the period January 1, 2006, through December 31, 2006, as well as gifts of lunch and dinner, valued at \$103.50 received from Turner Investment Partners on his 2007 annual Statement of Economic Interests, covering the period January 1, 2007, through December 31, 2007. The omissions were in violation of Government Code Section 87207(2 counts). **Total Proposed Penalty: \$400.**

40. **In the Matter of Michael Dutton, FPPC Case No. 11/386.** Staff: Adrienne Korchmaros, Political Reform Consultant, and Special Investigator Paul Rasey. Respondent Michael Dutton, Portfolio Manager with CalPERS, failed to disclose a total of 11 gifts. On his 2006 annual Statement of Economic Interests, covering the period January 1, 2006, through December 31, 2006, Mr. Dutton failed to disclose wine valued at \$50.00, received from Credit Suisse and a softball event and lunch valued at \$97.00 from LP Capital Advisors. On his 2007 annual Statement of Economic Interests, covering the period January 1, 2007, through December 31, 2007, Mr. Dutton failed to disclose a back pack and dinner from Blackstone totaling \$80.00, golf and a bag from Hamilton Lane totaling \$150.00, basketball game tickets from UBS totaling \$100, dinner from PCG totaling \$75.00, meals from Lexington totaling \$55.00, bowling and lunch from LP Capital Advisors totaling \$99.00, and meals from Audax totaling \$95.00. On his 2008 annual Statement of Economic Interests, covering the period January 1, 2008, through December 31, 2008, Mr. Dutton failed to disclose a holiday party from LP Capital Advisors totaling \$75.00 and meals from Credit Suisse totaling \$55.00. The omissions were in violation of Government Code Section 87207 (11 counts). **Total Proposed Penalty: \$2,200.**

41. **In the Matter of Robert Eberhardt, FPPC Case No. 11/387.** Staff: Political Reform Consultant Adrienne Korchmaros and Special Investigator Paul Rasey. Respondent Robert Eberhardt, Portfolio Manager for CalPERS, failed to timely disclose gifts on his 2008 annual Statement of Economic Interests, covering the period January 1, 2008, through December 31, 2008, and his 2009 annual Statement of Economic Interests, covering the period January 1, 2009, through December 31, 2009. The gifts received were: meals, CD, tie, and scarf from Hines totaling \$375.00 in 2008; sweatshirt, tote, and perfume from Starwood totaling \$245.00 in 2009. All omissions were in violation of Government Code Section 87207 (2 counts). **Total Proposed Penalty: \$400.**

42. **In the Matter of Rob Feckner, FPPC Case No. 11/388.** Staff: Political Reform Consultant Adrienne Korchmaros and Special Investigator Paul Rasey. Respondent Rob Feckner, as elected President of the Board of CalPERS, failed to disclose 4 gifts of meals and drinks received from AEW, valued at \$176.63 in total, on his 2007 Annual Statement of Economic Interests, covering the period January 1, 2007 through December 31, 2007, as well as a gift of dinner valued at \$100.76 received from Goldman Sachs on his 2008 Annual Statement of Economic Interests, covering the period January 1, 2008 through December 31, 2008. The omissions were in violation of Government Code Section 87207. (2 counts.) **Total Proposed Penalty: \$400.**

43. **In the Matter of Alfonso Fernandez, FPPC Case No. 11/389.** Staff: Political Reform Consultant Adrienne Korchmaros and Special Investigator Paul Rasey. Respondent Alfonso Fernandez, Senior Portfolio Manager for CalPERS, failed to timely disclose two gifts: on his 2006 annual Statement of Economic Interests, covering the period January 1, 2006, through December 31, 2006, he did not disclose a gift of two bottles of wine totaling \$123.50 from Black Rock and, on his 2007 annual Statement of Economic Interests, covering the period January 1, 2007, through December 31, 2007, he failed to disclose a gift of a meal at Spataro's valued at \$60.00. Both omissions were in violation of Government Code Section 87207 (2 counts). **Total Proposed Penalty: \$400.**

44. **In the Matter of Shaun "John" Greenwood, FPPC Case No. 11/390.** Staff: Political Reform Consultant Adrienne Korchmaros and Special Investigator Paul Rasey. Respondent Shaun "John" Greenwood, Portfolio Manager for CalPERS, failed to timely disclose 32 gifts detailed below on his 2006 annual Statement of Economic Interests, covering the period January 1, 2006, through December 31, 2006, his 2007 annual Statement of Economic Interests, covering the period January 1, 2007, through December 31, 2007, his 2008 annual Statement of Economic Interests, covering the period January 1, 2008, through December 31, 2008, and his 2009 annual Statement of Economic Interests, covering the period January 1, 2009, through December 31, 2009. The gifts received were: gifts of a coat and bag and musical performance from Carlyle Group totaling \$175.00 in 2006; gifts of meals from Credit Suisse totaling \$125.00 in 2006; gifts of softball, lunch, and drinks from LP Capital Advisors totaling \$104.20 in 2006; gift of a musical performance from Rhone totaling \$275.00 in 2006; gift of a shirt, bag, and lunch from Thomas Lee Partners totaling \$125.00 in 2007; gifts of musical performances from Rhone totaling

\$70.00 in 2007; gift of tickets to Cirque show from Carlyle Group totaling \$100.00 in 2007; gifts of meals and wine from Credit Suisse totaling \$155.00 in 2007; gifts of meals from Carlyle Group totaling \$75.00 in 2008; gifts of meals from Environmental totaling \$100.00 in 2008; gifts of meals, a shirt, a jacket, whiskey, and a musical performance from SL Capital totaling \$345.00 in 2008; gifts of meals, a headset, book, and bottle from Khosla totaling \$160.00 in 2008; gifts of meals from Credit Suisse totaling \$185.00 in 2009; gifts of meals from SL Capital totaling \$95.00 in 2009; gifts of meals from CVC Asia totaling \$150.00 in 2009; gifts of various items from Carlyle Group totaling \$195.00 in 2009; gifts of various items from Carlyle Riverstone totaling \$186.00 in 2009, and gifts of meals from Pacific Corp totaling \$80.00 in 2009. All omissions were in violation of Government Code Section 87207 (18 counts). **Total Proposed Penalty: \$3,600.**

45. **In the Matter of Sue Kane, FPPC Case No. 11/396.** Staff: Political Reform Consultant Adrienne Korchmaros and Special Investigator Paul Rasey. Respondent Sue Kane, as principal advisor to the Board President of CalPERS, failed to disclose one gift of dinner, valued at \$100.76 and received from Goldman Sachs in 2008, on her 2008 annual Statement of Economic Interests, covering the period January 1, 2008, through December 31, 2008. The omission was in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

46. **In the Matter of Dennis Knueven, FPPC Case No. 11/399.** Staff: Adrienne Korchmaros, Political Reform Consultant, and Special Investigator Paul Rasey. Respondent Dennis Knueven, Portfolio Manager with CalPERS, failed to disclose a total of 8 gifts on his 2008 annual Statement of Economic Interests, covering the period January 1, 2008, through December 31, 2008. Mr. Knueven failed to disclose gifts of a bag and a kayak trip valued at \$90.00, received from Draper Fischer Jurvetson, as well as gifts of meals, a t-shirt, parking, and a movie from LP Capital Advisors valued at \$87.00. On his 2009 annual Statement of Economic Interests, covering the period January 1, 2009, through December 31, 2009, Mr. Knueven failed to disclose a gift of a USB device/flip camera received from Silver Lake totaling \$129.99 and a gift of meals from Thomas Weisel Venture totaling \$86.00. The omissions were in violation of Government Code Section 87207 (4 counts). **Total Proposed Penalty: \$800.**

47. **In the Matter of Joncarlo Mark, FPPC Case No. 11/403.** Staff: Adrienne Korchmaros, Political Reform Consultant, and Special Investigator Paul Rasey. Respondent Joncarlo Mark, Senior Portfolio Manager with CalPERS, failed to disclose a total of 7 gifts. On his 2006 annual Statement of Economic Interests, covering the period January 1, 2006, through December 31, 2006, Mr. Mark failed to disclose meals valued at \$85.00 received from Alpha Capital Partners and meals from Credit Suisse valued at \$294.00. On his 2007 annual Statement of Economic Interests, covering the period January 1, 2007, through December 31, 2007, Mr. Mark failed to disclose meals received from Credit Suisse valued at \$230.00, meals from Advent International valued at \$85.00, a pen and notebook received from Birch Hill Equity Partners Toronto valued at \$107.00, and a gift of a face scrubber received from Rosewood Capital valued at \$100.00. On his 2008 annual

Statement of Economic Interests, covering the period January 1, 2008, through December 31, 2008, Mr. Mark failed to disclose various items and a canvas bag received from Leonard Green and Partners valued at \$50.00. The omissions were in violation of Government Code Section 87207 (7 counts). **Total Proposed Penalty: \$1,400.**

48. **In the Matter of Dave Merwin, FPPC No. 11/405.** Staff: Chief of Enforcement Gary S. Winuk, Special Investigator Paul Rasey, and Political Reform Consultant Jeanette E. Turvill. Investment Officer Dave Merwin, failed to disclose 10 gifts on four annual Statements of Economic Interests for 2006, 2007, 2008 and 2009: In 2006, gifts included entertainment valued at \$50.00 from Freeman, Spogli Partners; softball/open house valued at \$95.00 from LP Capital Advisors; a golf clinic, shirt, bag, and golf balls from Silver Lake Partners valued at \$430.00: In 2007, gifts included private equity review/overview valued at \$99.00 from LP Capital Advisors; golf green fees, shirt, bag and golf balls valued at \$310 from Silver Lake Partners: In 2008, gifts included tickets to the Oakland Raiders valued at \$355 from Centinella Capital Partners; entertainment valued at \$100 from Freeman, Spogli Partners; softball/holiday party valued at \$72 from LP Capital Advisors; and golf green fees, bag, vest, hat and flashdrive valued at \$650 from Silver Lake Partners: In 2009, an Apple Ipod Touch valued at \$187, in violation of Government Code Section 87207 (10 counts). Respondent received two gifts over the applicable gift limit in 2006 and 2008: golf clinic, shirt, bag, and golf balls valued at \$430 from Silver Lake Partners in 2006 and golf green fees, bag, vest, hat and flashdrive valued at \$650 in 2008, in violation of Government Code Section 89503 (2 counts).

The respondent reimbursed the donor Silver Lake Partners for those gifts received over the gift limit. **Total Proposed Penalty: \$2,400**

49. **In the Matter of Louis F. Moret, FPPC No. 11/406.** Staff: Special Investigator Paul Rasey and Political Reform Consultant Jeanette E. Turvill. CalPERS Boardmember Louis F. Moret, failed to disclose two gifts of dinner from AEW Capital Management and a dinner from Capital Guardian valued at \$217.21 on his 2008 annual Statement of Economic Interests, in violation of Government Code Section 87207 (2 counts). **Total Proposed Penalty: \$400.**

50. **In the Matter of Mary Morris, FPPC No. 11/437.** Staff: Special Investigator Paul Rasey and Political Reform Consultant Jeanette E. Turvill. CalPERS Investment Officer Mary Morris, failed to disclose a gift of a hot air balloon ride, dinner and dance from Corporate Library valued at \$420 on her 2009 annual Statement of Economic Interests, in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$200.**

51. **In the Matter of Omid Rezania, Investment Officer, California Public Employees Retirement System. FPPC No. 11/410.** Staff: Special Investigator Paul Rasey and Political Reform Consultant Jeanette E. Turvill. Investment Officer Omid Rezania, failed to disclose 12 gifts of meals and drinks on his 2006, 2007, 2008 and 2009 annual Statements of Economic Interests. The gifts received were: In 2006, from Hotspot, Wendy Rosen, a Christmas gift and meal totaling \$80; from Rogge Asset Mgmt, Olaf Roffe meals totaling

\$50.00; from State Street, John Moore, Christmas gift and meal totaling \$60; from UBS, Laura Lifland, meals valued at \$60; from Western Assets, drinks and dinner valued at \$137.11: In 2007, from Barings Asset Mgmt, Susan Marshal, meals valued at \$70.00; from Rogge Asset Mgmt, Olaf Rogge, meals valued at \$55.00; from State Street, John Moore, meals valued at \$75: In 2008, from Bank of Montreal, a gift and meal valued at \$75; In 2009, from Barings Asset Mgmt, meals valued at \$50; from Rogge Asset Mgmt, Olaf Rogge, a meal valued at \$30, and from State Street, John Moore, a meal valued at \$65.00. All omissions were in violation of Government Code Section 87207 (12 counts). **Total Proposed Penalty: \$2,400.**

Re-Hearing

52. **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.**

GENERAL - ITEMS 3 Through 9

53. **Amendments to Regulation 18404.1 - Termination and Reopening of Committees.** Staff: **General Counsel Zackery P. Morazzini and Commission Counsel Sukhi Brar.** Staff proposes amendments to Regulation 18404.1 to allow committees that have terminated to accept refunds from governmental entities and accept unexpected refunds from any other entities totaling \$10,000 or less after termination and transfer them to other committees as if the refunds had been received prior to termination. A committee receiving a refund would not be required to reopen, nor would the refund be required to be deposited in the terminated committee's bank account. If the refund is transferred to a new committee, it would be reported as if it had been received before termination and attributed accordingly.

54. **Adoption of Regulation 18215.3: Behested Payment Reporting.** Staff: **General Counsel Zackery P. Morazzini and Commission Counsel Heather M. Rowan.** Staff proposes adoption of Regulation 18215.3 to clarify that listing an elected officer or member of the Public Utilities Commission on a letterhead or roster does not create a payment "made at the behest of" that officer or member. If the letter "features" (as defined) the individual, however, the payment could be reportable as a behested payment if over \$5,000 by a single source.

55. **Adoption of Regulation 18728.6 - Reporting of Investments.** Staff: **General Counsel Zackery P. Morazzini and Commission Counsel Val Joyce.** Staff proposes

adoption of Regulation 18728.6 to treat investments in funds that share certain key characteristics with diversified mutual funds the same for purposes of the reporting exemption of diversified mutual funds under Section 82034 of the Political Reform Act.

56. **Discussion Item: September 2011 - Work Plan Revisions. Staff: General Counsel Zackery P. Morazzini and Assistant General Counsel John W. Wallace.**This memorandum updates the Commission on the progress of the 2011 regulatory calendar.

57. **Approval of Forms 804 and 805- Form 700, Statement of Economic Interests, Disclosure Documentation for Consultants and Individuals Serving in Newly Created Positions.** Staff: Lynda Cassady, Chief, Technical Assistance Division. Staff will request approval of the Forms 804 and 805. The voluntary forms provide a uniform reporting document for state and local agencies. The forms can be used to comply with FPPC Regulation 18734 which requires separate written documentation of disclosure requirements when individuals serve in positions that are not listed in the agency's conflict-of-interest code. (Memorandum) (Form 804) (Form 805) (Regulation 18734).

58. **Legislative Report.** Staff: Legislative Coordinator, Tara Stock

59. **Litigation Report.** Staff: General Counsel, Zackery P. Morazzini

Division Reports

60. **Legal Division.** Staff: General Counsel, Zackery P. Morazzini

61. **Enforcement Division.** Staff: Chief of Enforcement, Gary Winuk

62. **Technical Assistance Division.** Staff: Chief of T.A.D., Lynda Cassady

63. **Administration Division.** Staff: Chief of Administration, Tina Bass

CLOSED SESSION

64. **Discussion of Personnel. (Gov. Code § 11126(a)(1)).**

65. **Pending Litigation (Gov. Code § 11126(e)(1)).**

ProtectMarriage.com, et al. v. Debra Bowen, et al. (Unites States District Court, Eastern District of California, Case No. 2:09-cv-00058- MCE-DAD).