

**NOTICE AND AGENDA
Commission Meeting¹**

**California Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814**

**Thursday, April 5, 2012
10:00 A.M.**

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:

**Bovard Administration Building, Room 102
3551 Trousdale Parkway
University of Southern California
Los Angeles, CA 90089**

One commissioner will participate from this location.

WELCOME AND CHAIR'S REPORT

Ann Ravel, FPPC Chair

PUBLIC COMMENT

1. Public Comment.

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.

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 - 11

- 2. Approval of March 2012 Commission meeting minutes.**

Campaign Reporting Violations

- 3. In the Matter of American Resort Development Association Resort Owners' Coalition PAC and Sandra DePoy, FPPC No. 11/860.** Staff: Senior Commission Counsel Neal Bucknell and Program Specialist Grant Beauchamp. Respondent American Resort Development Association Resort Owners' Coalition PAC is a general purpose recipient committee sponsored by the American Resort Development Association, and Respondent Sandra DePoy is the committee treasurer. In this matter, on semi-annual campaign statements filed for the reporting periods ending June 30 and December 31, 2008, Respondents failed to report the making of five contributions totaling approximately \$64,800, in violation of Government Code Section 84211, subdivisions (b), (i), and (k) (1 count). **Total Proposed Penalty: \$2,500.**
- 4. In the Matter of Cynthia Lashbrook and Cindy Lashbrook For Merced College Trustee 2010, FPPC No. 10/1085.** Staff: Senior Commission Counsel Angela Brereton, and Special Investigator Sandra Buckner. Respondent Cynthia "Cindy" Lashbrook was a successful candidate for Merced Community College Trustee for Area 1 in the November 2, 2010, election. Respondent Cindy Lashbrook For Merced College Trustee 2010 was Respondent Lashbrook's candidate controlled committee. In this matter, Respondents failed to file a pre-election campaign statement for the reporting period of October 1 – 16, 2010, due by the October 21, 2010, in a timely manner, in violation of Government Code Sections 84200.5, subdivision (b), and 84200.7, subdivision (b)(2) (1 count). **Total Proposed Penalty: \$2,500.**

5. **In the Matter of Kai Stinchcombe and Vote for Kai – Assembly 2010, FPPC No. 10/652.** Staff: Senior Commission Counsel Angela Brereton, and Special Investigator Annaraine Diaz. Respondent Kai Stinchcombe was a candidate for California State Assembly District 21 in the June 8, 2010, primary election; however, he withdrew as a candidate in approximately December 2009. Respondent Vote for Kai – Assembly 2010 (Respondent Committee) was Respondent Stinchcombe’s candidate controlled committee. Respondent Stinchcombe was treasurer of Respondent Committee. Respondents failed to file semi-annual campaign statements in a timely manner for the reporting period of July 1, 2009, through December 31, 2009, by the February 1, 2010, due date, and for the reporting periods of January 1, 2010, through June 30, 2010, due on or before August 2, 2010, and July 1, 2010, through December 31, 2010, due on or before February 1, 2011, in violation of Government Code Section 84200, subdivision (a) (2 counts). **Total Proposed Penalty: \$4,000.**

Campaign Reporting Violations – Streamline

6. **In the Matter of Kings County Democratic Central Committee, Walter Johnson, Treasurer, FPPC No. 11/597.** Staff: Political Reform Consultant Teri Rindahl and Law Clerk Kyle Levy. Kings County Democratic Central Committee and its treasurer at the time of the violations, Walter Johnson, failed to file semi-annual campaign statements in a timely manner for the reporting periods of January 1, 2010, through June 30, 2010, due by August 2, 2010; July 1, 2010, through December 31, 2010, due by January 31, 2011; and January 1, 2011, through June 30, 2011, due by August 1, 2011, with the Secretary of State, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**
7. **In the Matter of Matthew Stadtler, FPPC No. 11/1048.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondent Matthew Stadtler, Board Member for Los Angeles County San Gabriel Unified School District Governing Board, failed to file a Form 470, Campaign Statement - Short Form, in a timely manner for the reporting period January 1, 2011, through December 31, 2011, by the August 1, 2011, due date, in violation of Government Code Section 84606 (1 count). **Total Proposed Penalty: \$200.**

8. **In the Matter of Vazquez for National School District 2010; Elizabeth Vazquez; Carlos M. Solorzano, Jr, FPPC No. 11/1061.** Staff: Political Reform Consultant Jeanette E. Turvill. Respondent Vazquez for National School District 2010, Elizabeth Vazquez and Carlos M. Solorzano, Jr., Treasurer, failed to file two semiannual campaign statements in a timely manner for the reporting periods of January 1, 2011, through June 30, 2011, due August 1, 2011, and July 1, 2011, through December 31, 2011, due January 31, 2012, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$400.**

Mass Mailing Violation

9. **In the Matter of L.A. County Firefighters Local 1014 Organized, Ready & Committed in Emergencies, and John Smolin, Treasurer, FPPC No. 11/1026.** Staff: Commission Counsel Milad Dalju and Political Reform Consultant Teri Rindahl. Respondent L.A. County Firefighters Local 1014 Organized, Ready & Committed in Emergencies and the committee's treasurer, John Smolin failed to include L.A. County Firefighters Local 1014 in the committee's name and failed to disclose L.A. County Firefighters Local 1014 as a sponsor on the committee's statement of organization, in violation of Government Code Section 84102, subdivisions (a) and (b) (1 count). Additionally, on or about October 31, 2011, and again on or about November 2, 2011, Respondent L.A. County Firefighters Local 1014 Organized, Ready & Committed in Emergencies mailed over two hundred substantially similar pieces of mail without displaying the sender's name on the outside of each piece of mail, in violation of Government Code Section 84305, subdivisions (a) and (b) (2 counts). **Total Proposed Penalty: \$8,000.**

Statement of Economic Interests – Streamline

10. **In the Matter of Nicholas Mitchell, FPPC No. 11/1171.** Staff: Political Reform Consultant Teri Rindahl. Respondent Nicholas Mitchell, Butteville Elementary School District Governing Board Member, failed to file an assuming office Statement of Economic Interests in a timely manner for the reporting period of August 31, 2010, through August 31, 2011, by the September 30, 2011, due date, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

Campaign Reporting Violation – For Commission Discussion

- 11. In the Matter of Doris Neel, FPPC No. 09/615 (Default Decision).** Staff: Commission Counsel Bridgette Castillo and Special Investigator Sandra Buckner. Michael Glover was a successful candidate for California State Assembly, 70th District (“California State Assembly”), in the June 6, 2006, primary election and the June 3, 2008, primary election. However, Glover was an unsuccessful candidate for California State Assembly in the November 7, 2006, general election, the November 4, 2008, general election, and the June 8, 2010, primary election. Committee to Elect Mike Glover for 70th AD, 2010 (“Committee 2010”) was the controlled committee of Glover’s 2010 election campaign. The Commission entered a Default Decision and Order against Michael Glover and Committee 2010 at the March 15, 2012, Commission meeting and therefore, Respondent Doris Neel is the only named respondent in this Default Decision and Order. Respondent Neel was the treasurer of Committee 2010 from February 19, 2010, through July 30, 2010. In this matter, Glover, Committee 2010, and Respondent Neel: 1) failed to file pre-election campaign statements in electronic format, in violation of Government Code Sections 84200.5, subdivision (a), 84200.7, subdivision (a), and 84605, subdivision (a) (2 counts); and 2) failed to file a semi-annual campaign statement in electronic format, in violation of Government Code Sections 84200, subdivision (a) and 84605, subdivision (a) (1 count). **Total Proposed Penalty: \$6,000.**

Proposed Decision of Administrative Law Judge

GENERAL ITEMS 12 - 14

- 12. In the Matter of Chris Norby, Norby for Supervisor, and Betty Presley, FPPC No. 09/773.** Staff: Senior Commission Counsel Neal Bucknell, Commission Counsel Milad Dalju, and Special Investigator Janet Seely. At all relevant times, Respondent Chris Norby was a member of the Orange County Board of Supervisors, Respondent Norby for Supervisor was his controlled committee, and Respondent Betty Presley was the committee treasurer. On August 1, 2007, Respondent Norby checked into the Fullerton A Inn and paid, in advance, for one week of lodging. He claimed that the expense was for a study of homeless/motel families, and he obtained reimbursement from his committee for the lodging

expense. At the administrative hearing of this matter, Senior Commission Counsel Luisa Menchaca and Commission Counsel Milad Dalju established that Respondent Norby checked into the Fullerton A Inn the same day that his marriage ended, and Respondents were charged with using campaign funds for purposes not directly related to political, legislative or governmental purposes where there was a substantial personal benefit to Respondent Norby, in violation of Government Code Sections 89511.5, 89512, and 89513, subdivision (a). Following the hearing in Los Angeles, Administrative Law Judge Ralph Dash issued a proposed decision in favor of Respondents. The Enforcement Division does not take issue with the proposed decision insofar as it exonerates Respondents Presley and Norby for Supervisor because they do not appear to have been responsible for Respondent Norby's actions. However, to the extent that the proposed decision exonerates Respondent Norby for personal use of campaign funds, the Enforcement Division respectfully recommends that the Commission reject the proposed decision and decide the case on the record. Specifically, the Enforcement Division requests that the Legal Division be delegated to review the record for the purpose of drafting a final, revised decision to be submitted to the Commission for its consideration.

13. **Adoption of Regulation 18412; Amendment of Regulations 18413 and 18215.** Staff: Senior Commission Counsel Lawrence T. Woodlock and General Counsel Zackery P. Morazzini. Staff proposes adoption of Regulation 18412 to provide clear accounting rules for identifying donations to multi-purpose groups that would be classified as "contributions" under the Act's "one bite of the apple" provision at Regulation 18215(b)(1). Staff also proposes related amendments to Regulations 18413 and 18215.
14. **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.

DISCUSSION ITEM 15

15. **Discussion Item: Independent Expenditures.** Staff: Chief of Enforcement Gary Winuk will discuss potential legislative proposals regarding independent expenditures disclosure and enforcement.

STAFF REPORTS ITEMS 17 - 23

16. **Executive Director's Report.** Staff: Executive Director, John Wallace
17. **Legislative Report.** Staff: Legislative Coordinator, Tara Stock
18. **Litigation Report.** Staff: General Counsel, Zackery P. Morazzini
19. **Legal Division Report.** Staff: General Counsel, Zackery P. Morazzini
20. **Enforcement Division Report.** Staff: Chief of Enforcement, Gary Winuk
21. **Technical Assistance Division Report.** Staff: Chief of T.A.D., Lynda Cassady
22. **Administrative Division Report.** Staff: Chief of Admin, Tina Bass

CLOSED SESSION – Item 23

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

Deliberation, if necessary upon ALJ's Proposed Decision, In the Matter of Chris Norby, Norby for Supervisor, and Betty Presley, FPPC No. 09/773, OAH No.2011050957.