



**NOTICE AND AGENDA
Commission Meeting¹**

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

**Thursday, August 16, 2012
10:00 A.M.**

WELCOME AND CHAIR'S REPORT

Ann Ravel, FPPC Chair

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 - 25

2. Approval of July 2012 Commission Meeting Minutes.

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 723284; or watch the meeting via Webinar at [FPPC Commission Meeting Webinar](#).

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.

Campaign Reporting Violations

3. **In the Matter of Committee for Measure G – Loomis and Paul I. Mineer, FPPC No. 09/0702 (Default Decision).** Staff: Commission Counsel Dave Bainbridge. Respondent Committee for Measure G – Loomis is a primarily formed ballot measure committee formed to support the passage of Measure G in the City of Loomis. Respondent Paul I. Mineer was at all times relevant to this matter, the treasurer of the committee. Respondents failed to file semi-annual campaign statements in a timely manner for the July 1, 2008, through December 31, 2008, reporting period, due February 2, 2009; the January 1, 2009, through June 30, 2009, reporting period, due July 31, 2009; and the July 1, 2009, through December 31, 2009, reporting period, due February 1, 2010, in violation of Government Code Section 84200, subdivision (a) (3 counts). **Total Proposed Penalty: \$6,000.**
4. **In the Matter of Lynwood Teachers Association PAC and Michael Jochum, FPPC No. 11/337.** Staff: Commission Counsel Bridgette Castillo and Special Investigator Beatrice Moore. Respondent Lynwood Teachers Association PAC (“Respondent Committee”) is a county general purpose committee in Los Angeles County. At all relevant times, Respondent Michael Jochum was the Respondent Committee’s treasurer. Respondent Lynwood Teachers Association PAC made an expenditure of campaign funds for purposes other than reasonably related to a political, legislative or governmental purpose, in violation of Government Code Section 89512.5, subdivision (a)(1 count); Respondents Lynwood Teachers Association PAC and Michael Jochum failed to file in a timely manner, a semi-annual campaign statement for the reporting period July 1, 2010, through December 31, 2010, which was due by January 31, 2011, in violation of Government Code Section 84200, subdivision (a)(1 count); and Respondents Lynwood Teachers Association PAC and Michael Jochum failed to maintain the detailed accounts, records, bills, and receipts necessary to prepare the semi-annual campaign statement, for the reporting period of July 1, 2010, through December 31, 2010, to establish that the campaign statement was properly filed, and to comply with the campaign reporting provisions of the Act, in violation of Government Code Section 84104(1 count). **Total Proposed Penalty: \$7,500.**
5. **In the Matter of ProtectMarriage.com – Yes on 8, A Project of California Renewal and David Bauer, FPPC No. 11/448.** Staff: Senior Commission Counsel Galena West and Program Specialist Luz Bonetti. This matter originated as a Franchise Tax Board audit. Respondents ProtectMarriage.com – Yes on 8, A Project of California Renewal, a state primarily formed committee, and Respondent

Committee's treasurer, David Bauer, failed to file late contribution reports in a timely manner, in violation of Government Code Sections 84203 and 84605, subdivision (a) (6 counts); failed to file in a timely manner, contributions of \$1,000 or more received during the 90-day election cycle ending on November 4, 2008, in violation of Government Code Section 85309, subdivision (b) (8 counts); failed to file contributions of \$5,000 or more in a timely manner, in an online campaign report within ten business days of receipt, in violation of Government Code Section 85309, subdivision (d) (2 counts); failed to properly dispose of an anonymous \$10,000 contribution received on or about October 28, 2008, in violation of Government Code Section 84304 (1 count); and failed to disclose occupation and/or employer information regarding persons who contributed \$100 or more, in violation of Government Code Section 84211, subdivision (f) (1 count). **Total Proposed Penalty: \$49,000.**

6. **In the Matter of Alvina Sheeley, and Alvina Sheeley for Election F-SUSD Governing Board 2011, FPPC No. 11/1124.** Staff: Commission Counsel Zachary W. Norton, Special Investigator Janet Seely, and Political Reform Consultant Jeanette E. Turvill. Respondent Alvina Sheeley was a candidate for the Fairfield-Suisun Unified School District Board of Education in the November 8, 2011, election, and treasurer for the respondent committee, Alvina Sheeley for Election F-SUSD Governing Board 2011. Respondents failed to file in a timely manner, a first pre-election campaign statement for the reporting period January 1, 2011, through September 24, 2011 (1 count), due on or before September 29, 2011, and a second pre-election campaign statement for the reporting period September 25, 2011, through October 22, 2011 (1 count), due on or before October 27, 2011, in violation of Government Code Sections 84200.5, subdivision (c), and 84200.8. **Total Proposed Penalty: \$5,000.**

Campaign Reporting Violations – Streamline

7. **In the Matter of Committee for Brea Olinda Schools-Yes on Measure E, and Terry Swindle, Treasurer, FPPC No. 12/402.** Staff: Political Reform Consultant Teri Rindahl. Respondents Committee for Brea Olinda Schools-Yes on Measure E, and Terry Swindle, Treasurer, failed to file a pre-election campaign statement in a timely manner for the reporting period of January 1, 2012, through May 19, 2012, due May 24, 2012, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$200.**

8. **In the Matter of Victoria A. Medina, FPPC No. 11/616.** Staff: Chief of Enforcement Gary S. Winuk and Law Clerk Armeen Komeili. Respondent Victoria A. Medina, a current board member of the Bassett Unified School District, failed to file an annual Form 470 in a timely manner, covering the period of July 1, 2010, through December 31, 2010, due on or before January 31, 2011, with the County of Los Angeles, in violation of Government Code Section 84206 (1 count). **Total Proposed Penalty: \$200.**
9. **In the Matter of Dennis Mountjoy, Dennis Mountjoy for Senate 2008, and Peggy Mew, Treasurer, FPPC 11/626.** Staff: Legal Analyst Tracey Frazier, Law Clerk Chris Dietrich and Law Clerk Dana Cohn. Dennis Mountjoy, his candidate controlled committee, Dennis Mountjoy for Senate 2008, and Peggy Mew, Treasurer, failed to file in a timely manner with the Secretary of State, two semi-annual campaign statements for the periods of July 1, 2010, through December 31, 2010, due January 31, 2011, and January 1, 2011, through June 30, 2011, due August 1, 2011, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$400.**
10. **In the Matter of Orange Park Association and Laura Thomas, President, FPPC No. 12/330.** Staff: Political Reform Consultant Adrienne Korchmaros. Respondents Orange Park Association and Laura Thomas, President, failed to file in a timely manner, the Form 460 campaign statement covering the period January 1, 2011, through December 31, 2011, due January 31, 2012, with the City of Orange, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**
11. **In the Matter of Sal Torres; Friends of Sal Torres; and Leslie Torres, Treasurer, FPPC No. 11/234.** Staff: Political Reform Consultant Teri Rindahl. Respondents Sal Torres, Friends of Sal Torres, and Leslie Torres, Treasurer, failed to file two semi-annual campaign statements in a timely manner for the reporting periods of July 1, 2010, through December 31, 2010, due January 31, 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.**
12. **In the Matter of Friends of Terri Valladolid for Southwestern College Board 2010, and Terri Valladolid, Treasurer, FPPC No. 11/341.** Staff: Legal Analyst Tracey Frazier. Friends of Terri Valladolid for Southwestern College Board 2010, and Terri Valladolid, Treasurer, failed to file two semi-annual campaign statements in a timely manner for the reporting periods of October 17, 2010, through December

31, 2010, due January 31, 2011, and January 1, 2011, through June 30, 2011, due August 2, 2011, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$800.**

Conflicts of Interest

13. **In the Matter of Thomas Bartee, FPPC No. 10/581.** Staff: Commission Counsel Zachary W. Norton and Special Investigators Janet Seely and Lee Myers. Respondent Thomas Bartee, a Vallejo Redevelopment Agency member, made a governmental decision in which he had a material financial interest, by voting on a design contract for the Downtown Vallejo Square Sidewalk and Street Improvement Project, Phase I, in violation of Government Code Section 87100 (1 count). **Total Proposed Penalty: \$3,000.**

14. **In the Matter of Barbara Delgleize, FPPC No. 11/186.** Staff: Senior Commission Counsel, Angela Brereton, and Special Investigator Janet Seely. Respondent Barbara Delgleize is an appointed member of the Huntington Beach Planning Commission. She was also an unsuccessful candidate for Huntington Beach City Council in the November 2, 2010, election. On or about October 30, 2010, Respondent Delgleize received a contribution in the amount \$520 from Sares-Regis Group, a developer and provider of comprehensive commercial and residential real estate services throughout the western United States, which is based in Irvine, CA. During the February 8, 2011, Huntington Beach Planning Commission meeting, Respondent Delgleize voted to approve Agenda Item No. B-2: Site Plan Review No. 10-004 (Boardwalk Mixed Use Project). This was the Huntington Beach Planning Commission's initial approval for Sares-Regis Group's Application No. 2010-184 to develop a mixed use project consisting of apartments, commercial/retail space, office space, recreation buildings and a park. Respondent Delgleize failed to disclose on the record that she received a contribution from Sares-Regis Group, and failed to recuse herself from the proceeding, in violation of Government Code Section 84308, subdivision (c) (1 count). **Total Proposed Penalty: \$2,000.**

15. **In the Matter of Sares-Regis Group, FPPC No. 11/187.** Staff: Senior Commission Counsel, Angela Brereton, and Special Investigator Janet Seely. Respondent Sares-Regis Group is a developer and provider of comprehensive commercial and residential real estate services throughout the western United States, which is based in Irvine, CA. On October 28, 2010, Respondent Sares-Regis Group made a contribution in the amount of \$520 to Barbara Delgleize, an unsuccessful candidate for Huntington Beach City Council in the November 2, 2010, election. At all relevant

times, Barbara Delgleize was also an appointed member of the Huntington Beach Planning Commission. During its February 8, 2011, meeting, the Huntington Beach Planning Commission voted to approve Agenda Item No. B-2: Site Plan Review No. 10-004 (Boardwalk Mixed Use Project). This was the Huntington Beach Planning Commission's initial approval for Sares-Regis Group's Application No. 2010-184 to develop a mixed use project consisting of apartments, commercial/retail space, office space, recreation buildings and a park. Respondent Sares-Regis Group failed to disclose on the record that it made a contribution to Barbara Delgleize, in violation of Government Code Section 84308, subdivision (d) (1 count). **Total Proposed Penalty: \$3,500.**

16. In the Matter of Edmund Sotelo, FPPC No. 12/029. Staff: Senior Commission Counsel Galena West and Special Investigator Lee Myers. Respondent Edmund Sotelo, City Manager for the City of Oxnard, received gifts exceeding the reporting threshold of \$50 in 2007, 2008, and 2009, and failed to report these gifts on his annual Statements of Economic Interests for reporting periods January 1, 2007, through December 31, 2007, due April 1, 2008; January 1, 2008, through December 31, 2008, due April 1, 2009, and January 1, 2009, through December 31, 2009, due April 1, 2010, in violation of Government Code Sections 87300 and 87302 (3 counts). Additionally, Respondent received gifts exceeding the applicable gift limit from one source in 2007 and two sources in 2008, in violation of Government Code Section 89503, subdivision (c) (3 counts). Respondent impermissibly made, participated in the making, or influenced a governmental decision by approving a Revised Development Schedule regarding the RiverPark Project, an affiliated entity of J.F. Shea Co., & Affiliated Companies, which was the source of a gift that exceeded the annual gift limit, in violation of Government Code Section 87100 (1 count). **Total Proposed Penalty: \$12,500.**

17. In the Matter of Dr. Thomas Holden, FPPC No. 12/026. Staff: Senior Commission Counsel Galena West and Special Investigator Lee Myers. Respondent Dr. Thomas Holden, Mayor of the City of Oxnard, received gifts exceeding the reporting threshold of \$50 in 2007, 2008, and 2009, and failed to report these gifts on his annual Statements of Economic Interests for the reporting periods of January 1, 2007, through December 31, 2007, due April 1, 2008; January 1, 2008, through December 31, 2008, due April 1, 2009; and January 1, 2009, through December 31, 2009, due April 1, 2010, in violation of Government Code Section 87203 (3 counts). Additionally, Respondent received gifts exceeding the applicable gift limit in 2007 and 2009, in violation of Government Code Section 89503, subdivision (a) (2 counts). Respondent impermissibly made, participated in the making, or influenced

a governmental decision when he voted to approve an ordinance to authorize the location of a theatre in a Specific Plan and voted to grant authority to himself to approve a Memorandum of Understanding with J.F. Shea Co., & Affiliated Companies, which was the source of a gift that exceeded the annual gift limit, in violation of Government Code Section 87100 (1 count). **Total Proposed Penalty: \$10,500.**

Lobbying – Streamline

18. **In the Matter of Vitas Innovative Hospice Care and Ronald Fried, FPPC No. 11/133.** Staff: Legal Analyst Tracey Frazier. Respondent Vitas Innovative Hospice Care, a registered California lobbyist employer, and Respondent Ronald Fried, Senior Vice President and responsible filing officer, failed to file Lobbyist Employer Reports in a timely manner for reporting periods July 1, 2010, through September 30, 2010, due by November 1, 2010, and October 1, 2010, through December 31, 2010, due January 31, 2011, in violation of Government Code Section 86115 (2 counts). **Total Proposed Penalty: \$600.**

Statement of Economic Interests – Non-Filer

19. **In the Matter of Doreen Cease, FPPC No. 10/910 (Default Decision).** Staff: Commission Counsel Zachary W. Norton, Political Reform Consultant Teri Rindahl, and Law Clerk Kyle Levy. Respondent Doreen Cease, a commissioner with the California Mental Health Planning Council since 1998, failed to file two Statements of Economic Interests in a timely manner; one for the reporting period of January 1, 2009, through December 31, 2009, due April 1, 2010, and one for the reporting period of January 1, 2010, through December 31, 2010, due April 1, 2011, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$4,000.**

Statement of Economic Interests – Non-Filer - Streamline

20. **In the Matter of Angel Colon, FPPC No. 11/132.** Staff: Political Reform Consultant Teri Rindahl. Respondent Angel Colon, Planning Commissioner for the City of South Gate, failed to file a Statement of Economic Interests in a timely manner for the reporting period January 1, 2009, through December 31, 2009, by the April 1, 2010, due date, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**

21. **In the Matter of Yvonne Franco, FPPC No. 12/409.** Staff: Political Reform Consultant Teri Rindahl. Respondent Yvonne Franco, Planning Commissioner for the City of Coachella, failed to file in a timely manner, an assuming office Statement of Economic Interests for the reporting period April 2, 2010, through April 2, 2011, by the May 2, 2011, due date, in violation of Government Code Section 87202 (1 count). **Total Proposed Penalty: \$200.**
22. **In the Matter of Mary Moran, FPPC No. 12/320.** Staff: Political Reform Consultant Jeanette Turvill and Law Clerk Dana Cohn. Mary Moran, former committee member of the Medical Board of California, left her position on July 31, 2011. Respondent failed to file in a timely manner her leaving office Statement of Economic Interests by the August 30, 2011, due date, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

Statement of Economic Interests – Failure to Report

23. **In the Matter of Curtis Cannon, FPPC No. 12/034.** Staff: Senior Commission Counsel Galena West and Special Investigator Lee Myers. Respondent Curtis Cannon, Community Development Director for the City of Oxnard, received gifts exceeding the reporting threshold of \$50 in each of the years 2007 through 2010, and failed to report these gifts on his annual Statements of Economic Interests for reporting periods, January 1, 2007, through December 31, 2007, due April 1, 2008; January 1, 2008, through December 31, 2008, due April 1, 2009; January 1, 2009, through December 31, 2009, due April 1, 2010, and January 1, 2010, through December 31, 2010, due April 1, 2011, in violation of Government Code Sections 87300 and 87302 (4 counts). **Total Proposed Penalty: \$4,000.**
24. **In the Matter of Brian DeForge, FPPC No. 11/336.** Staff: Commission Counsel Bridgette Castillo and Special Investigator Annaraine Diaz. Respondent Brian DeForge has been a member of the Beaumont City Council since 1999, and is the sole owner of Brian E. DeForge Construction. As a city council member, Respondent DeForge is required to file Statements of Economic Interests (“SEI”). Respondent DeForge failed to disclose sources of income to his business, Brian E. DeForge Construction, where the gross receipts from a single person were equal or greater than \$10,000, on his 2007 SEI, for the reporting period January 1, 2007, through December 31, 2007, due April 1, 2008, in violation of Government Code Sections 87203 and 87207. **Total Proposed Penalty: \$1,000.**

25. **In the Matter of Frank Lopez, Jr., FPPC No. 11/1042.** Staff: Commission Counsel Zachary W. Norton. Respondent Frank Lopez, Jr., a member of the Vista City Council, failed to report Cameron Glenn Estates, LLC as a source of income on his 2007 and 2008 Statements of Economic Interests for reporting periods January 1, 2007, through December 31, 2007, due April 1, 2008, and January 1, 2008, through December 31, 2008, due April 1, 2009, in violation of Government Code Sections 87203 and 87207, subdivision (a) (1 count). **Total Proposed Penalty: \$1,000.**

GENERAL ITEM 26 - 27

26. **Adoption of Amendments - Conflict of Interest Regulation 18706:** Staff: General Counsel Zackery P. Morazzini and Senior Commission Counsel William J. Lenkeit. Staff proposes to amend the conflict of interest regulations over the next several months. The process begins with a proposed amendment to Regulation 18706, determining when a material financial effect of a governmental decision is “reasonably foreseeable.” The proposed amendments are intended to provide better guidance to public officials in determining if a conflict of interest exists under the Act.
27. **Adoption of Amendment to Campaign Form Instructions:** Staff: Chief of the Technical Assistance Division Lynda Cassady. Instruction pages for several campaign forms have been updated to reflect changes in the Political Reform Act and FPPC regulations. The forms were circulated for public comment in July. The major changes explain that most state campaign committees no longer must file with local filing officers. The Form 410 instructions also provide information related to FPPC regulations 18227.5 and 18247.5.

ENFORCEMENT INFORMATIONAL ITEM 28

28. **Return of Laundered Funds (No Action Agenda Item)**

In the Matter of Glen Gerson and Malibu Conference Center, Inc., FPPC No. 11/803. Staff: Senior Commission Counsel Neal Bucknell and Special Investigator Janet Seely. On May 17, 2012, the Commission approved a Default Decision and Order in this case, which imposed a penalty in the amount of \$25,000 for five counts of laundering money into the campaign account of Barbra Williamson (who was seeking reelection to the Simi Valley City Council in 2008). Thereafter, the Enforcement Division notified Ms. Williamson of her duty to return the laundered funds, totaling \$5,000, to the State of California pursuant to Government Code section 85701. On July 20, 2012, the Enforcement Division received full payment

from Ms. Williamson. As required by law, the disgorgement payment will be turned over to the General Fund of the State of California in connection with the complete resolution of this matter.

FRANCHISE TAX BOARD INFORMATIONAL ITEM 29

- 29. Franchise Tax Board Audit Program: Pam Parra and Andrea VanWalleghem** from FTB will address the Commission to discuss FTB's audit team/process/achievement.

EXECUTIVE STAFF REPORTS ITEMS 30

Executive Director's / Legal Division Report. Staff: Executive Director, John Wallace; General Counsel, Zackery P. Morazzini

Legislative Report. Staff: Legislative Coordinator, Tara Stock

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

Enforcement Division Report. Staff: Chief of Enforcement, Gary Winuk

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

Administrative Division Report. Staff: Chief of Administration, Tina Bass