



NOTICE AND AGENDA Commission Meeting¹

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

**Thursday, July 17, 2014
10:00 A.M.**

According to (Gov. Code Section 11123) (a) all meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article. The Section further states that the portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

WELCOME

Jodi Remke, 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.

2. Approval of April 2014 Special Commission Meeting Minutes.

[April Commission Special Meeting Minutes](#)

3. Approval of June 2014 Commission Meeting Minutes.

[June 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 [meeting via YouTube](#).

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 4 - 19

ENFORCEMENT MATTERS

Money Laundering

4. In the Matter of Gary Singh, Gary Singh For City Council 2010, and Joann Lew; FPPC No. 13/204 (Default Decision). Staff: Commission Counsel Zachary W. Norton and Special Investigator Lee Myers. Respondent Gary Singh has been a member of the Union City Planning Commission since 2006, and was an unsuccessful candidate for Union City Council in the November 2, 2010 election. He is also the owner of Bay Star Auto Care, an automobile repair business, located in Union City. Gary Singh for City Council 2010 was the controlled committee of Gary Singh. Joann Lew was the treasurer for the Committee. Respondent Gary Singh made contributions to the Gary Singh for City Council 2010 committee, in names other than his own, in violation of Section 84301 of the Government Code (2 counts), and accepted a \$600 campaign contribution from John Pappas, a party to a proceeding involving a decision on a use permit before the Union City Planning Commission, within three months following the date final decisions were rendered in the proceeding in violation of Section 84308, subdivision (b) of the Government Code (1 count). Additionally, Respondents Gary Singh, Gary Singh for City Council 2010, and Joann Lew accepted monetary contributions totaling approximately \$2,100 in the form of four cashier's checks or money orders for \$100 or more, which were not drawn from the bank accounts of the contributors or donors, in violation of Government Code Section 84300, subdivision (c) (1 count). **Total Proposed Penalty: \$15,000.**

[Singh - Default Decision and Order](#)

5. In the Matter of Gary A. Husk and Jamieson & Gutierrez, Inc.; FPPC No. 13/1140 (Default Decision). Staff: Commission Counsel Milad Dalju, Special Investigator Annaraine Diaz, and Law Clerk Michael Battaglia. Respondent Gary A. Husk, a registered lobbyist in the State of Arizona at all times relevant to this matter, and his firm, Respondent Jamieson & Gutierrez, Inc., (collectively "Respondents"), made a \$300 contribution to Jerry Sanders for Mayor through Edward Sanchez, also a registered lobbyist and, at the time, Respondents' employee, and failed to disclose to Jerry Sanders for Mayor that Respondents were the true source of the contribution, in violation of Government Code Sections 84301 and 84300, subdivision (c) (1 count). At the time of the contribution, Respondent Gary A. Husk had already made the maximum contribution allowed by the City of San Diego's contribution limit. Also at the time of the contribution, businesses were banned by the City of San Diego from making any contributions to candidates for city office. **Total Proposed Penalty: \$5,000.**

[Husk, Jamieson & Garrison - Default Decision and Order](#)

Conflict of Interest

6. In the Matter of Robert Behee; FPPC No. 13/1125. Staff: Commission Counsel Adam Silver and Special Investigator Ann Flaherty. Respondent Robert Behee, while a member of the Tuolumne Utilities District Board of Directors, made governmental decisions in which he knew, or had reason to know, he had a financial interest, by voting to approve numerous claim summaries that included prior payments made to Behee Enterprises, a corporation in which

Respondent held the position of Director, in violation of Government Code Section 87100 (4 counts). **Total Proposed Penalty: \$12,000.**

[Behee - Stip and Exhibit](#)

7. In the Matter of Phillip Harvey; FPPC No. 12/159. Staff: Commission Counsel Zachary W. Norton and Special Investigator Lee Myers. In this matter, Respondent Phillip Harvey, member of the Sacramento Planning Commission and Vice President of Petrovich Development Company, attempted to use his official position to influence governmental decisions in which he had a material financial interest, by communicating with planning commission staff, concerning the preparation of an addendum to a Negative Declaration and the terms of a tree removal proposal, in connection with the Curtis Park Village project on behalf of his employer, in violation of Government Code Section 87100 (2 counts). **Total Proposed Penalty: \$6,000.**

[Harvey - Stip and Exh](#)

Robocall Disclosure

8. In the Matter of Kurt Vander Weide, Friends of Kurt Vander Weide, and Carl Fogliani; FPPC No. 08/814 (Default Decision). Staff: Senior Commission Counsel Neal Bucknell, Special Investigator Beatrice Moore, and Legal Analyst Tracey Frazier. This matter was part of a joint investigation with the Attorney General's office. In 2008, Respondent Kurt Vander Weide was an incumbent candidate for the Turlock City Council. Respondent Friends of Kurt Vander Weide was his candidate controlled committee. Respondent Carl Fogliani was his campaign consultant. In this matter, Respondents Kurt Vander Weide and Friends of Kurt Vander Weide—with the help of Respondent Carl Fogliani, who aided and abetted—paid for one-half of the cost of a series of four robocalls, but three of the four robocalls falsely purported to be paid for by someone else, and the remaining robocall did not identify who paid for it, in violation of Government Code Section 84310, subdivisions (a) and (b) (4 counts). Also, Respondents Kurt Vander Weide and Friends of Kurt Vander Weide: (i) failed to maintain required committee records in violation of Government Code Sections 84104 and 84310, subdivision (c) (1 count); (ii) falsely reported or failed to report payment for the above-described robocalls on a campaign statement for the period ending October 18, 2008 in violation of Government Code Section 84211, subdivisions (b), (i), and (k) (1 count); (iii) failed to report payments to subvendors on campaign statements for the periods ending September 30, October 18, and/or December 31, 2008, in violation of Government Code Sections 84211, subdivision (k), and 84303 (1 count); and (iv) failed to notify a major donor of the need to file campaign statements in violation of Government Code Section 84105 (1 count). **Total Proposed Penalty: \$32,500.**

[Vander Weide - Default Decision and Order](#)

Campaign Reporting

9. In the Matter of Amy Bublak, Amy Bublak for City Council, and Milton Richards; FPPC No. 08/814. Staff: Senior Commission Counsel Neal Bucknell, Special Investigator Beatrice Moore, and Legal Analyst Tracey Frazier. This matter was part of a joint investigation with the Attorney General's office. In 2008, Respondent Amy Bublak was a non-incumbent candidate for the Turlock City Council. Respondent Amy Bublak for City Council

was her candidate controlled committee, and Respondent Milton Richards was her husband and committee treasurer. In this matter, Respondents failed to report a payment in the amount of \$1,000 on a pre-election campaign statement for the period ending September 30, 2008, in violation of Government Code Section 84211, subdivisions (b), (i), and (k) (1 count). (The payment was to Fogliani Strategies, a campaign consulting business owned by Carl Fogliani.) Also, Respondents failed to report required information about four expenditures to subvenders (which totaled approximately \$23,518) on campaign statements for the periods ending September 30, October 18, and/or December 31, 2008, in violation of Government Code Sections 84211, subdivision (k), and 84303 (1 count). **Total Proposed Penalty \$4,000.**
[Bublak - Stip and Exh](#)

10. In the Matter of Andrew Ammon and Committee to Elect Andrew Ammon to the San Gabriel School Board 2011; FPPC No. 13/549. Staff: Commission Counsel Adam Silver and Special Investigator Annaraine Diaz. Respondent Andrew Ammon ("Respondent Ammon") was a successful candidate in the November 8, 2011 San Gabriel School Board Election. Respondent Committee to Elect Andrew Ammon to the San Gabriel School Board 2011 ("Respondent Committee") was the controlled committee of Respondent Ammon's 2011 campaign. Respondent Ammon acted as the treasurer for Respondent Committee. In this matter, Respondent Committee made a cash expenditure of \$100 or more in connection with Respondent Ammon's 2011 campaign totaling \$1,000, in violation of Government Code Section 84300, subdivision (b) (1 count); and failed to maintain proper records to support the campaign statements filed in connection with Respondent Ammon's 2011 campaign, in violation of Government Code Section 84104 (1 count). Respondents have a prior enforcement history. **Total Proposed Penalty: \$4,000.**
[Ammon - Stip and Exh](#)

11. In the Matter of the Operative Plasterers and Cement Masons International Association Local 200 PAC, and Tom Castleman; FPPC No. 14/280. Staff: Commission Counsel Zachary W. Norton. Respondent Operative Plasterers and Cement Masons International Association Local 200 PAC is a state general purpose committee sponsored by the Operative Plasterers and Cement Masons International Association Local 200 and Tom Castleman is the treasurer for the Committee. Respondents failed to timely file a semi-annual campaign statement for the reporting period January 1, 2013 through June 30, 2013 due on July 31, 2013, and a semi-annual campaign statement for the reporting period July 1, 2013 through December 31, 2013 due on January 31, 2014, in violation of Government Code Section 84200, subdivision (a), 84215, and 84605, subdivision (b) (2 counts). **Total Proposed Penalty: \$2,000.**
[Operative Plasterers - Stip and Exh](#)

12. In the Matter of Albert Muratsuchi, Muratsuchi For Assembly 2012, Gary S. Kuwahara, and Jane Leiderman, FPPC No. 14/021. Staff: Senior Commission Counsel Angela Brereton, and Program Specialist, Soni Mangat. Respondent Albert Muratsuchi, a successful candidate for California State Assembly, 66th District, in the June 5, 2012 primary election, and the November 6, 2012 general election, his controlled committee, and the committee treasurers, failed to file four \$5,000 online reports due on or about October 13, 2011, July 12, 2012, August 4, 2012, and August 16, 2012, during the periods outside the election cycles for the applicable elections, in violation of Government Code Section 85309, subdivision (c) (4 counts). **Total Proposed Penalty: \$800.**
[Muratsuchi - Stip](#)

13. In the Matter of Lynwood Teachers Association PAC; FPPC No. 13/1168. Staff: Associate Government Program Analyst Kelli Breton. Respondent, Lynwood Teachers Association PAC, failed to timely file two semi-annual campaign statements for the reporting periods January 1, 2013, through June 30, 2013, due on July 31, 2013, and July 1, 2013, through December 31, 2013, due on January 31, 2014, with the Los Angeles County Registrar-Recorder/County Clerk, in violation of Government Code Section 84200 (2 counts). **Total Proposed Penalty: \$800.**

[Lynwood - Stip](#)

14. In the Matter of Citizens to Protect Walnut and Dana L. Hopkins, Treasurer; FPPC No. 14/375. Staff: Political Reform Consultant Adrienne Korchmaros. Respondents, Citizens to Protect Walnut and Treasurer Dana L. Hopkins, failed to timely file the pre-election campaign statement covering the period January 1, 2014, through March 22, 2014, due on March 27, 2014, with the City of Walnut, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$200.**

[Citizens to Protect Walnut - Stip](#)

15. In the Matter of Rick Ledesma, Ledesma for OUSD School Board, and Rocio Lievanos-Ledesma; FPPC No. 13/187. Staff: Political Reform Consultant Teri Rindahl. Respondents, Rick Ledesma, Ledesma for OUSD School Board, and Rocio Lievanos-Ledesma, failed to timely file campaign statements covering the period October 17, 2010, through June 30, 2013, with the County of Orange Registrar of Voters, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

[Ledesma - Stip](#)

16. In the Matter of John Lindner, Friends of John Lindner for Franklin-McKinley School Board 2012, and John Lindner, Treasurer; FPPC No. 14/309. Staff: Political Reform Consultant Adrienne Korchmaros. Respondents, John Lindner, Friends of John Lindner for Franklin-McKinley School Board 2012, and John Lindner as Treasurer, failed to timely file a semi-annual campaign statement covering the period July 1, 2013 through December 31, 2013, due on January 31, 2014, with the Santa Clara County Registrar of Voters, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$200.**

[Lindner - Stip](#)

Statement of Economic Interests – Non-Filer

17. In the Matter of Jane Karathanasis; FPPC No. 13/963. Staff: Commission Counsel Milad Dalju, Political Reform Consultant Teri Rindahl, and Law Clerk Brendan Rochford. Respondent Jane Karathanasis, as a member of the Valley Charter Schools' Board of Directors, failed to timely file a 2012 Annual Statement of Economic Interests with the Los Angeles Unified School District, due on April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**

[Karathanasis - Stip](#)

18. In the Matter of Weining Wang; FPPC No. 14/459. Staff: Political Reform Consultant Adrienne Korchmaros. Respondent Weining Wang, as EDP System & Program Analyst for

the Clerk, Recorder Assessor's Office for the County of Santa Barbara, failed to timely file the 2012 Annual Statement of Economic, due on April 1, 2013, as well as the 2013 Annual Statement of Economic due on April 1, 2014, with the County Clerk, Recorder and Assessor Elections Division County of Santa Barbara, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$400.**

[Wang - Stip](#)

19. In the Matter of Jack Arthur Corwin; FPPC No. 13/1273. Staff: Legal Analyst Tracey Frazier, Law Clerk Michael Battaglia. Respondent, Jack Arthur Corwin, as a Julian Community Planning Group Member, failed to timely file a 2012 Annual Statement of Economic Interests with the County of San Diego Registrar of Voters, due on April 2, 2013, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

[Corwin - Stip](#)

INFORMATIONAL ITEM 20 (No action required)

20. In the Matter of Wisdom Culture and Education Organization; FPPC No. 11/475. Staff: Senior Commission Counsel Bridgette Castillo and Chief of Investigation Sandra Buckner. On June 19, 2014, the Commission approved a Stipulation, 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 Steve Cho for Mayor, in connection with the November 4, 2008 Election. Thereafter, the Enforcement Division communicated with Steve Cho regarding his duty to return the laundered funds, totaling \$2,500, to the State of California pursuant to Government Code section 85701. On June 30, 2014, the Enforcement Division received full payment in this regard. 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.

[Wisdom - Memo and Exh](#)

EXECUTIVE STAFF REPORTS ITEM 21

Legislative Report. Staff: Senior Commission Counsel and Legislative Coordinator, Sukhi Brar

[Legislative Report](#)

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

[Litigation Report](#)

Legal Division Report. Staff: General Counsel, Zackery P. Morazzini

[Legal Report](#)

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

[Enforcement Division Report](#)

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

[TAD Report](#)

GENERAL ITEMS 22 – 24

22. Adoption of Amendments to Conflict of Interest Regulations 18700.3, 18703.1, and 18438.5. Staff: Commission Counsel William J. Lenkeit and General Counsel Zackery P. Morazzini. Staff proposes to amend conflict of interest Regulations 18700.3 and 18703.1 by eliminating the current language in the regulation that creates new separate economic interests in entities that are “parents subsidiaries, or otherwise related business entities” and provide a new definition under Regulation 18700.3 that carries out the requirements of Section 82034. The current definition of parent, subsidiary, or otherwise related business entities, which is also referenced in Regulation 18438.5, will be moved to a new subdivision (b) for the purposes of the application of that regulation.

[Commission Memo - Conflict of Interest Regs](#)

[18700.3 Parent-Subsidiary, Otherwise Related Business Entity](#)

[18703.1 Economic Interest Defined -- Business Entities](#)

[18438.5 Aggregated Contributions Under Government Code Section 84308](#)

23. SB 27 Regulations - Multipurpose Organization and Top Contributor

Disclosure. Staff: General Counsel Zackery P. Morazzini and Senior Commission Counsel Hyla P. Wagner. SB 27 amended the Act effective July 1, 2014, adding provisions on disclosure of multipurpose organizations’ political activity and on top contributor disclosure. To implement SB 27, staff proposes amendments to Regulations 18215 and 18427.1, repeal of Regulation 18412, and adoption of Regulations 18422 and 18422.5.

[SB 27 implementation regulations memo](#)

[18215 Contribution amend](#)

[18412 Identifying Funding Sources repeal](#)

[18422 Multipurpose Organizations Political Activity Transparency](#)

[18422 5 Top Contributor Disclosure](#)

[18427 1 Notification to Contributors of \\$5000 or More amend](#)

[MPO Fact Sheet SB 27 Update](#)

24. Pacific Merchant Shipping Association v. Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun

Staff: Senior Commission Counsel and Legislative Coordinator, Sukhi Brar. Appeal by the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun of Order by Commission that Port Agent position be included in the Board’s conflict of interest code.

[Reply Brief of Appeal of General Counsel Order \(AG\)](#)

[Comments in Support of FPPC Order \(PMSA\)](#)

[Order Granting Request for Hearing \(FPPC\)](#)

[Brief on Appeal of General Counsel Order \(AG\)](#)

[General Counsel Order on Petition \(FPPC\)](#)

[Supplemental Brief in Opposition to PMSA Appeal \(AG\)](#)

[PMSA Additional Materials 1](#)
[Brief in Opposition to Appeal of PMSA \(AG\)](#)
[PMSA Additional Materials 2](#)
[Appeal of Denial of Petition to Commission \(PMSA\)](#)

CLOSED SESSION ITEMS 25-26

Administrative Deliberation (Gov. Code §1126(c)(3)). Deliberation upon:

25. Pacific Merchant Shipping Association v. Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun; appeal of Commission decision on conflict of interest code amendment.

Pending Litigation (Gov. Code §11126(e)(1)). Deliberation upon:

26. Charles R. “Chuck” Reed. et al. v. FPPC; Sacramento County Superior Court Case No. 34-2013-800001709.