



NOTICE AND AGENDA Commission Meeting¹

California Fair Political Practices Commission
1102 Q Street, Suite 3800
Sacramento, CA 95811

Thursday, November 21, 2019
10:00 A.M.

Under Government Code section 11123(a), all meetings of a state body are open and public, and all persons are permitted to attend any meeting of a state body, except as otherwise provided in that article. The section further states that the portion of the teleconferenced meeting that is required to be open to the public must be audible to the public at the location specified in the notice of the meeting. The Commission may take action on any item listed on this agenda.

Commissioner Hatch will attend this meeting of the Commission via teleconference from:

Ka'anapali Beach Club – Lobby
104 Ka'anapali Shores Place
Maui, HI 96761
8:00 a.m. UTC – 10:00 Hawaii-Aleutian Time

Welcome

Richard C. Miadich, Chair

¹You can obtain further information about the meeting by contacting the Commission Assistant, 1102 Q Street, Suite 3000, Sacramento, CA, 95811, 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. Email comment letters directly to CommAsst@fppc.ca.gov. To participate in real time, visit <http://mediasite.fppc.ca.gov/>.

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 on the website.

Members of the public may listen to the meeting by phone by calling (877) 411-9748; access code 723284; or watch the meeting via Webinar at [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), CommAsst@fppc.ca.gov (e-mail) and ADACoordinator@fppc.ca.gov. 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 three business days between the request and the meeting date.

Public Comment

1. **Public Comment for Items not on Agenda.** During this comment period, any person is invited to speak on any topic that is not listed on this agenda. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on a future agenda. Those who wish to comment on an item that has been listed on this agenda may comment when that item has been opened for consideration by the Commission and before any action is taken.

Approval of Commission Minutes

2. **Approval of October 2019 Commission Hearing Minutes.**

Enforcement Consent Calendar 3-15

Items on the consent calendar will be taken up and voted on as a group. A Commissioner may request that an item be removed from consent, in which case it will be discussed separately in the meeting.

Misuse of Campaign Funds

3. **In the Matter of Joe Canciamilla for Contra Costa County Clerk/Recorder 2014/2018, Friends of Joe Canciamilla for Judge 2012/2014, and Joseph Canciamilla; FPPC No. 17/146.** Staff: Neal Bucknell, Senior Commission Counsel and Bob Perna, Program Specialist II. The Respondents were represented by the Law Office of Andreas Rockas and the Law Offices of Wayne Ordos. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. Joseph Canciamilla is the former Contra Costa County Clerk-Recorder and Registrar of Voters, as well as a former candidate for Contra Costa County Superior Court Judge. Joe Canciamilla for Contra Costa County Clerk/Recorder 2014/2018 and Joe Canciamilla for Judge 2012/2014 are his candidate-controlled committees. In 2011, 2014, and 2015, Canciamilla used campaign funds for personal purposes which were unrelated to a political, legislative, or governmental purpose, in violation of Government Code Sections 89510, subdivision (b), 89512, and 89513, subdivision (a) (15 counts). From 2011 through 2019, this activity was concealed on campaign statements by other reporting violations including non-reporting and the over-statement of available cash on hand, in violation of Government Code Section 84211 (14 counts). Also, in 2011 Canciamilla and his judge committee commingled campaign funds with personal funds, in violation of Government Code Section 84307 (1 count). **Total Proposed Penalty: \$150,000 - \$75,000 (Canciamilla personally) and \$75,000 (Canciamilla and his committees).**
4. **In the Matter of Michael D. Jackson for School Board 2016, Michael D. Jackson, and Kelvin Barrios; FPPC Nos. 17/964 and 18/1465.** Staff: Theresa Gilbertson, Commission Counsel and Marshall Miller, Special Investigator. The respondents are represented by Matthew Soleimanpour of Soleiman, APC. Michael D. Jackson was an unsuccessful candidate for Chula Vista Elementary School District Board of Education in the November 8, 2016 General Election. Michael D. Jackson for School Board 2016 was his candidate-controlled committee. Kelvin Barrios was the Committee's treasurer. The Committee, Jackson, and Barrios failed to maintain adequate records to substantiate campaign statements, in violation of Government Code Section 84104 (1 count). Additionally, Jackson used

campaign funds for personal purposes which were unrelated to a political, legislative, or governmental purpose, in violation of Government Code Section 89512 (1 count). Barrios also used the Jackson committee campaign funds in this way, and in addition impermissibly used campaign funds as treasurer from the California Young Democrats Latino Caucus committee for personal purposes, in violation of Government Code Sections 89512 and 89512.5 (1 count). **Total Proposed Penalty: \$8,500 – \$2,000 (Jackson, Barrios and Committee), \$2,500 (Jackson personally), and \$4,000 (Barrios personally).**

San Bernardino Net Debt Violations and Campaign Bank Account

- 5. In the Matter of Curt Hagman for San Bernardino County Supervisor 2014, Curt Hagman for Supervisor 2018, Curt Hagman, and John Fugatt; FPPC No. 16/795.** Staff: Michael W. Hamilton, Commission Counsel and Soni Mangat, Program Specialist II. Curt Hagman was a successful candidate for San Bernardino County Board of Supervisors in the November 4, 2014 General Election and the June 5, 2018 Primary Election. Curt Hagman for San Bernardino County Supervisor 2014 and Curt Hagman for Supervisor 2018 were his candidate-controlled committees. John Fugatt served as treasurer for both committees. The 2014 Committee, Hagman, and Fugatt received contributions after the election in excess of their campaign debt, in violation of San Bernardino Ordinance Section 12.4305, subdivision (b) (1 count). The 2018 Committee, Hagman, and Fugatt made expenditures from a bank account other than the one designated for campaign activity, in violation of Government Code Section 85201, subdivision (e) (1 count). Additionally, the 2018 Committee, Hagman, and Fugatt failed to maintain adequate records for expenditures made from the 2014 committee's bank account, in violation of San Bernardino Ordinance Section 12.4313 (a) and Government Code Section 84104 (1 count). **Total Proposed Penalty: \$10,000.**

Advertisements

- 6. In the Matter of Committee for Chrissa Gillies for School Board 2016, Chrissa Gillies, Elizabeth Rudick, Gabriele Schmitz, Committee to Elect Chrissa Gillies Governing Board 2018, and Ronna Moore; FPPC No. 16/19919.** Staff: Theresa Gilbertson, Commission Counsel and Lance Hachigian, Special Investigator. Chrissa Gillies was an unsuccessful candidate for Cotati-Rohnert Park Unified School District Board of Trustees in the November 8, 2016 General Election, and successful in the November 6, 2018 General Election. Committee for Chrissa Gillies for School Board 2016 and the Committee to Elect Chrissa Gillies Governing Board 2018 were her candidate-controlled committees. Elizabeth Rudick was the 2016 Committee's treasurer and Gabriele Schmitz was the 2016 Committee's principal officer. Ronna Moore served as the 2018 Committee's treasurer. The 2016 Committee, Gillies, and Rudick failed to timely file a semiannual campaign statement, a pre-election campaign statement, and four 24-Hour Reports, in violation of Government Code Sections 84200, 84200.5, and 84203 (1 count). The 2016 Committee, Gillies, and Schmitz failed to include the required disclosures on an advertisement opposing a local ballot measure, in violation of Government Code Section 84506 (1 count). The 2018 Committee, Gillies, and Moore failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$7,000.**
- 7. In the Matter of Alhambra Kids 2016 Support Measure AE & Measure HS, Robert Gin, and Stephen Perry; FPPC No. 17/917.** Staff: Christopher Burton, Senior Commission Counsel and Lance Hachigian, Special Investigator. Alhambra Kids 2016 Support Measure

AE & Measure HS was a committee primarily formed to support Alhambra Unified School District Measures AE and HS in the November 8, 2016 General Election. Robert Gin was the Committee's treasurer and Stephen Perry was the Committee's principal officer. The Committee, Gin, and Perry failed to timely file five 24-Hour Reports, in violation of Government Code Section 84203 (1 count). The Committee and Perry also failed to include the required disclosures on a slate mailer, in violation of Government Code Section 84305.5 (1 count). **Total Proposed Penalty: \$6,000.**

- 8. In the Matter of Tim Nonn for CRPUSD Board of Trustees 2016, Tim Nonn, Gabriele Schmitz, and Elizabeth Rudick; FPPC No. 16/19918.** Staff: Theresa Gilbertson, Commission Counsel and Lance Hachigian, Special Investigator. Tim Nonn was a successful candidate for the Cotati-Rohnert Park Unified School District Board of Trustees in the November 8, 2016 General Election. Tim Nonn for CRPUSD Board of Trustees 2016 was his candidate-controlled committee. Elizabeth Rudick was the Committee's treasurer and Gabriele Schmitz was the Committee's principal officer. The Committee, Nonn, and Rudick failed to timely file a semiannual campaign statement, a pre-election campaign statement, and four 24-Hour Reports, in violation of Government Code Sections 84200, 84200.5, and 84203 (1 count). The Committee, Nonn, and Schmitz also failed to include the required disclosures on door hangers, flyers, and a newspaper advertisement opposing a local ballot measure, in violation of Government Code Section 84506 (1 count). **Total Proposed Penalty: \$5,500.**
- 9. In the Matter of Abraham Ghorbanian; FPPC No. 18/1266.** Staff: Christopher Burton, Senior Commission Counsel and Jeffrey Kamigaki, Supervising Special Investigator. Abraham Ghorbanian qualified as an independent expenditure committee supporting Ed Pope, candidate for Mayor of Irvine, and Farrah Khan, candidate for Irvine City Council, in the November 6, 2018 General Election. Ghorbanian failed to timely file two 24-Hour Reports, in violation of Government Code Section 84204 (1 count) and failed to include the required disclosures on a print advertisement distributed prior to the election, in violation of Government Code Sections 84502 and 84506.5 (1 count). **Total Proposed Penalty: \$3,500.**

Campaign Late Filer

- 10. In the Matter of Scott Jackson for Judge 2016, Scott Jackson, and Linda Perry; FPPC No. 16/19742.** Staff: Ruth Yang, Commission Counsel. The respondents were represented by Tom Willis of Remcho Johansen and Purcell LLC. Scott Jackson was a successful candidate for Alameda County Superior Court in the June 7, 2016 Primary Election and November 8, 2016 General Election. Scott Jackson for Judge 2016 is his candidate-controlled committee. Linda Perry was the Committee's treasurer. The Committee, Jackson, and Perry failed to timely file two pre-election campaign statements electronically for the reporting periods of January 1, 2016 through May 21, 2016, in violation of Government Code Sections 84200.5, 84200.8, 84215, subdivision (a), and 84605, subdivision (a)(1) (1 count); failed to timely file two semiannual campaign statements in paper and electronic format for the reporting periods of May 22, 2016 through June 30, 2016 and October 23, 2016 through December 31, 2016, in violation of Government Code Sections 84200, 84215, subdivision (a), and 84605, subdivision (a)(1) (1 count); and failed to timely file two pre-election campaign statements in paper and electronic format for the reporting periods of July 1, 2016 through October 22, 2016, in violation of Government Code Sections 84200.5, 84200.8, 84215, subdivision (a), and 84605, subdivision (a)(1) (1 count). **Total Proposed Penalty: \$6,000.**

- 11. In the Matter of Jennifer Madden for Judge 2016, Jennifer Madden, and Linda Perry; FPPC No. 16/19744.** Staff: Ruth Yang, Commission Counsel. Jennifer Madden was a successful candidate for Alameda County Superior Court in the June 7, 2016 Primary Election. Jennifer Madden for Judge 2016 is her candidate-controlled committee. Linda Perry was the Committee's treasurer. The Committee, Madden, and Perry failed to timely file two pre-election campaign statements electronically for the reporting periods of January 1, 2016 through May 21, 2016, in violation of Government Code Sections 84200.5, 84200.8, 84215, subdivision (a), and 84605, subdivision (a)(1) (1 count); failed to timely file one semiannual campaign statement in paper and electronic format for the reporting period of May 22, 2016 through June 30, 2016, in violation of Government Code Sections 84200, 84215, subdivision (a), and 84605, subdivision (a)(1) (1 count); and failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$4,000.**
- 12. In the Matter of Committee to Ban Commercial Cultivation and William J. McManus, Jr.; FPPC No. 17/1334.** Staff: Christopher Burton, Senior Commission Counsel. Committee to Ban Commercial Cultivation was a committee primarily formed to support a ballot measure to ban the commercial cultivation of marijuana in Calaveras County. William J. McManus, Jr. was the Committee's treasurer and principal officer. The Committee and McManus failed to timely file three semiannual campaign statements and one pre-election campaign statement, in violation of Government Code Sections 84200, 84200.5, and 84200.8 (1 count). **Total Proposed Penalty: \$3,500.**
- 13. In the Matter of Rohnert Park Cotati Educators Association Political Action Committee and Kristina (Ashley) Juarez; FPPC No. 16/19921.** Staff: Theresa Gilbertson, Commission Counsel and Lance Hachigian, Special Investigator. The Rohnert Park Cotati Educators Political Action Committee is a local general purpose committee. Kristina (Ashley) Juarez was the Committee's treasurer at the time. The Committee and Juarez failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$1,500.**

Statement of Economic Interests Late Reporter

- 14. In the Matter of Cheri Bromberger; FPPC No. 16/391.** Staff: Michael W. Hamilton, Commission Counsel and Garrett Micheels, Special Investigator. Cheri Bromberger, as a Board Member for June Lake Public Utilities District, failed to timely report income from the sale of her auto lift on her 2014 Annual Statement of Economic Interests, failed to timely report income from the sale of her motel on her 2015 Annual Statement of Economic Interests, and failed to timely report income from the sale of her condo on her 2018 Annual Leaving Office Combination Statement of Economic Interests, in violation of Government Code Section 87207 (1 count). **Total Proposed Penalty: \$1,500.**

Default Proceedings

Default Proceedings Requesting Commission Action

- 15. In the Matter of Murga for City Council 2016 and Raul Murga; FPPC No. 16/745.** Staff: Ruth Yang, Commission Counsel and Dominika Wojenska, Associate Governmental Program Analyst. Raul Murga was an unsuccessful candidate for Carson City Council in the

November 8, 2016 General Election. Murga for City Council 2016 is his candidate-controlled committee. The Committee and Murga failed to timely file four semiannual campaign statements for the reporting periods ending on December 31, 2016; June 30, 2017; December 31, 2017; and June 30, 2018, in violation of Government Code Section 84200 (4 counts).
Total Proposed Penalty: \$16,000.

General Items 16-26

- 16. Adoption of the 2019/2020 Statement of Economic Interests, Form 700 and related documents.** Staff: Sukhi Brar, Supervising Attorney, Legal Division. Forms and related documents have been revised to reflect current dates and filing deadlines.

Staff Memo
Form 700
Reference Pamphlet
Form 700-A
Form 700-U

- 17. Updated Campaign Manuals and Lobbying Manual.** Staff: Sukhi Brar, Supervising Attorney, Legal Division. Campaign manuals have been revised with updates to campaign contribution limits, advertising disclosure requirements and other non-substantive technical changes. The Lobbying manual has been updated with the new gift limit.

Staff Memo
Campaign Manual 1
Campaign Manual 2
Campaign Manual 3
Campaign Manual 4
Campaign Manual 5
Campaign Manual 6
Lobbying Manual

- 18. Amendments to Regulation 18450.1, Advertisement Disclosure and Regulation 18435, Definitions of Mass Mailing and Adoption of Regulation 18450.2, Authorized and Paid For, Regulation 18450.3, Top Contributor Disclosure for Affiliated Entities, and Regulation 18450.4, Video and Television Advertisement Disclosure.** Staff: Dave Bainbridge, General Counsel; Karen Harrison, Senior Commission Counsel, and Katelyn Greene, Commission Counsel, Legal Division. Staff proposes to amend Regulation 18435 to clarify the disclosure requirements for mass mailings and Regulation 18450.1 to make technical changes. Additionally, staff proposes three new regulations for adoption related to disclosure requirements for campaign advertisements. These new regulations would define the phrase “authorized and paid for” as used in the statutory definition of “advertisement;” clarify the top contributor disclosure for major donor committees that qualify as top contributors by virtue of affiliated entities; and address the required length of a disclosure for a video or television advertisement lasting less than four or five seconds. The proposed amendments and regulations were presented for pre-notice discussion and direction at the September 2019 meeting, and are now presented for adoption.

Staff Memo

Proposed Amendments to Regulation 18435
Proposed Amendments to Regulation 18450.1
Proposed Adoption of Regulation 18450.2
Proposed Adoption of Regulation 18450.3
Proposed Adoption of Regulation 18450.4

19. Update on Task Force to Study Best Practices for Regulating Campaign Activity on Digital Media. Chair Miadich and Commissioner Hayward.

20. Memo regarding gift rules and college scholarships. Staff: Dave Bainbridge, General Counsel and Brian Lau, Assistant General Counsel. Staff will present a memorandum about the application of the gift provisions of the Political Reform Act, and its regulations, to college scholarships received by officials or their family members.

Staff Memo

21. Approval of Commissioner Compensation Request. Staff: Loressa Hon, Chief of Administration. Consideration of Commissioner's requests for compensation exceeding 40 hours in a calendar month as required by the Commission's Compensation and Reimbursement Policy.

Staff Memo

22. Committee Updates
Budget and Personnel Committee Update.
Law and Policy Committee Update.

23. Advice Letter Report and Commission Review. Staff: Dave Bainbridge, General Counsel and Brian Lau, Assistant General Counsel. The Commission may review and discuss advice letters that have been issued since the October Executive Staff Report. The Commission may act to withdraw the advice provided.

Advice Letter Report

24. Executive Staff Reports.
Enforcement Division. Galena West, Chief of Enforcement
Legal Division. David Bainbridge, General Counsel
Administration & Technology Division, Loressa Hon, Chief of Administration

Executive Staff Report

25. Closed Session. Pending Litigation (Gov. Code § 11126(e)(1)). Request for Authority to File Civil Complaints.

26. Commissioner Comments and Proposed Future Agenda Items.
Note: Although any Commissioner may identify a topic of interest, the Commission may not substantially discuss or take action on any matter raised during the meeting that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code Sections 11125 & 11125.7(a).)