



NOTICE AND AGENDA Commission Meeting¹

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

Thursday, October 15, 2020
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.

Pursuant to Executive Order N-29-20, certain provisions of the Bagley Keene Open Meeting Act are suspended due to a State of Emergency in response to the COVID-19 pandemic. Consistent with the Executive Order, this Commission meeting will be conducted by teleconference only. None of the locations from which Commissioners will participate will be open to the public. Members of the public who wish to observe the meeting may do so via [YouTube](#) or via telephone by calling (877) 411-9748; access code 723284. Members of the public who wish to comment during the meeting may do so by telephone by calling (877) 411-9748; access code 723284 or using the Commission's public participation portal found at <http://mediasite.fppc.ca.gov/>.

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.

The Commission may take action on any item listed on this agenda.

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.

Welcome

Richard C. Miadich, Chair

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 September 2020 Commission Hearing Minutes.**

Enforcement Consent Calendar 3-9

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 Karina Onofre for CA State Assembly 74th District and Karina Onofre; FPPC No. 16/649.** Staff: Theresa Gilbertson, Senior Commission Counsel and Marshall Miller, former Special Investigator. The respondent was represented by Joseph A. Weber of Weber Firman. Karina Onofre was an unsuccessful candidate for the California State Assembly, 74th District in the November 8, 2016 General Election. Karina Onofre for CA State Assembly 74th District was her candidate-controlled committee. The Committee and Onofre failed to timely file two pre-election campaign statements, in violation of Government Code Section 84200.5 (1 count) and Onofre made a payment with campaign funds that was unrelated to a political, legislative, or governmental purpose, in violation of Government Code Sections 89512, 89513 subdivision (d), and 89517 (1 count). **Total Proposed Penalty: \$5,500.**

Advertising and Campaign Late Filer

4. **In the Matter of Committee for Safe Vallejo Schools – Yes on Measure S, Deborah Dickson, and Michael Nichelini; FPPC No. 19/448.** Staff: Christopher Burton, Senior Commission Counsel and Alethea Perez, Special Investigator. The respondents were represented by Lance Olson of Olson Remcho. Committee for Safe Vallejo Schools – Yes on Measure S is a committee primarily formed to support Vallejo City Unified School District Measure S, which appeared on the ballot in the November 6, 2018 General Election. Deborah Dickson is the Committee's principal officer and Michael Nichelini is the Committee's treasurer. The Committee, Dickson, and Nichelini failed to timely file two pre-election campaign statements and one semiannual campaign statement, in violation of Government Code Sections 84200, 84200.5, and 84200.8 (1 count) and failed to timely file five 24-Hour Reports, in violation of Government Code Section 84203 (1 count). Additionally, the Committee and Dickson failed to include the required "Paid for by" and committee name disclosure on campaign signs and social media advertisements, in violation of Government Code Sections 84502 and 84504.3 subdivision (f) (1 count). **Total Proposed Penalty: \$6,500.**

Campaign Late Filer

5. **In the Matter of Committee to Elect Angela Martinez Untalon for City Council in the City of Greenfield in 2018, Angela M. Untalon, and Leticia V. Uribe; FPPC No. 19/384.** Staff: Jenna C. Rinehart, Commission Counsel. Angela M. Untalon was a successful candidate for Greenfield City Council in the November 6, 2018 General Election. Committee to Elect Angela Martinez Untalon for City Council in the City of Greenfield in 2018 is her candidate-controlled committee. Leticia V. Uribe is the Committee's treasurer. The Committee, Untalon, and Uribe failed to timely file two pre-election campaign statements, in violation of Government Code Sections 84200.5 and 84200.8 (1 count) and failed to timely file three 24-Hour Reports, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$3,000.**
6. **In the Matter of Committee to Re-Elect Ford Greene San Anselmo Town Council 2015, Ford Greene, and Laurie Berger; FPPC No. 18/1546.** Staff: Jenna C. Rinehart, Commission Counsel. Ford Greene was a successful candidate for San Anselmo Town Council in the November 3, 2015 General Election and November 5, 2019 local election. Committee to Re-Elect Ford Greene San Anselmo Town Council 2015 is his candidate-controlled committee. Laurie Berger was the Committee's treasurer between August 24, 2015 and September 13, 2019. The Committee, Greene, and Berger failed to timely file a semiannual campaign statement, in violation of Government Code Section 84200 (1 count) and failed to timely file an amended statement of organization to re-designate the Committee for the 2019 election, in violation of Government Code Section 84103 and Regulation 18521 (1 count). **Total Proposed Penalty: \$3,000.**
7. **In the Matter of Stronger FMSD Schools – Yes on Measure R and Jason Vann; FPPC No. 20/241.** Staff: Jenna C. Rinehart, Commission Counsel. Stronger FMSD Schools – Yes on Measure R was a ballot measure committee primarily formed to support the approval of Measure R in the March 3, 2020 Primary Election. Jason Vann was the Committee's treasurer. The Committee and Vann failed to timely file a 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$1,500.**

Default Proceedings

8. **In the Matter of Jennifer Allsup; FPPC No. 16/20047.** Staff: Angela Brereton, Assistant Chief Counsel and Jeffrey Kamigaki, Supervising Special Investigator. Jennifer Allsup formerly served as Commissioner of Modesto Entertainment Commission from March 2009 to May 5, 2016. Allsup failed to timely file a 2014 Annual, 2015 Annual, and a Leaving Office Statement of Economic Interests, in violation of Government Code Section 87300 (3 counts). **Total Proposed Penalty: \$12,000.**
9. **In the Matter of Antonio Flores; FPPC No. 16/20070.** Staff: Jenna C. Rinehart, Commission Counsel. Antonio Flores was appointed to Governing Board Member of Siskiyou County Dunsmuir Elementary School District on March 15, 2016 and left office on December 2, 2016. Flores failed to timely file an Assuming Office and Leaving Office Statement of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$8,000.**

Notice of Intent to Present Default Decision and Order at the November Commission Meeting

10. **In the Matter of Tommie Nellon; FPPC No. 18/512.** Staff: Jenna C. Rinehart, Commission Counsel and Lance M. Hachigian, Special Investigator. Tommie Nellon was appointed as a

Board Member to the Fresno Regional Workforce Development Board on November 19, 2009 and is currently still in office. Nellon failed to timely file a 2015, 2016, 2017, and 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (4 counts). **Total Proposed Penalty: \$12,000.**

- 11. In the Matter of Kiniko Willingham; FPPC No. 18/501.** Staff: Jenna C. Rinehart, Commission Counsel. Kiniko Willingham was appointed as a Commissioner to the City of Long Beach Veteran Affairs Commission on September 26, 2016 and left office on February 1, 2019. Willingham failed to timely file a 2017 Annual and Leaving Office Statement of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$7,000.**

General Items 12-17

- 12. Repeal and Amendment of Regulations Governing Enforcement Processes.** Staff: Dave Bainbridge, General Counsel; John Feser, Senior Commission Counsel; Jack Woodside, Senior Commission Counsel, Legal Division. Staff proposes several changes to various regulations governing enforcement matters to promote compliance with, and enforcement of, the Act. The proposed amendments incorporate Commissioner recommendations from past meetings and make numerous changes to clarify existing provisions and update and improve the enforcement process. The proposed amendments were presented for discussion and direction at the June 2020 meeting and are now presented for adoption.

Staff Memo

Proposed Repeal of Regulation 18360

Proposed Adoption of Regulation 18360

Proposed Amendment of Regulation 18361.1

Proposed Amendment of Regulation 18361.4

Proposed Amendment of Regulation 18361.5

Proposed Amendment of Regulation 18361.9

Proposed Amendment of Regulation 18361.11

Proposed Amendment of Regulation 18404.2

- 13. Commissioner Code of Conduct.** Staff: Dave Bainbridge, General Counsel, John Feser, Senior Commission Counsel, and Kevin Cornwall, Commission Counsel. Staff presents a Commissioner Code of Conduct that details statutory and regulatory rules governing Commissioners, as well as existing and proposed Commission policies. Staff also presents related materials, including an updated FPPC Governance Policy, as well as reference materials to inform Commissioners of various matters related to the FPPC and their duties as Commissioners.

Staff Memo

Commissioner Code of Conduct

FPPC Governance Policy

Commissioner Reference Material – An Overview of the FPPC

Commissioner Reference Material – Additional Resources

Commissioner Reference Material – History of the Political Reform Act

14. Legislative Update. Staff: Lindsey Nakano, Legislative Counsel. The Commission will review and discuss Commission sponsored legislation and other PRA related legislation, if any. The Commission may provide direction on sponsored legislation and other PRA related legislation. The Commission may direct staff to amend bill proposals and provide additional updates.

Legislative Update

15. Committee Updates.

Law and Policy Committee Update.

16. Executive Staff Reports.

Enforcement Division. Galena West, Executive Director

Legal Division. David Bainbridge, General Counsel

Administration and Technology Division, Loressa Hon, Chief of Administration

Executive Director Update. Galena West, Executive Director

Executive Staff Report

17. 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).)