



NOTICE AND AGENDA Commission Meeting¹

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

Wednesday April 20, 2022
9:00 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. 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](#). To participate in real time, visit <http://mediasite.fppc.ca.gov/> or call (877) 411-9748; access code 723284.

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.

Commissioner Wood will be attending this meeting via Zoom from:

University of Southern California
Taper Hall (THH), Room 219
3501 Trousdale Pkwy
Los Angeles, CA 90089

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.

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 March 2022 Commission Hearing Minutes.**

Consent Calendar 3-5

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.

Campaign Late Filer

3. **In the Matter of Nick for Lake Forest City Council 2016, Adam Nick, individually, Bryan Burch, and Adam Nick, as major donor committee; FPPC No. 16/20096.** Staff: Christopher B. Burton, Assistant Chief of Enforcement. The respondents were represented by Bill Baber. Adam Nick was an unsuccessful candidate for Lake Forest City Council in the November 8, 2016 General Election. Nick for Lake Forest City Council 2016 (the “Candidate Committee”) is Nick’s candidate-controlled committee in conjunction with their campaign. Bryan Burch is the Committee’s treasurer. Nick also qualified as a major donor committee (the “Major Donor Committee”) in 2016. The Candidate Committee, Nick, and Burch failed to timely report certain nonmonetary contributions on one pre-election and one semi-annual campaign statement, in violation of Government Code Section 84211 (1 count). The Candidate Committee and Nick failed to utilize the designated campaign bank account for certain contributions and expenditures, in violation of Government Code Section 85201 (1 count). The Major Donor Committee failed to timely report certain nonmonetary contributions on a major donor campaign statement, in violation of Government Code Section 84211 (1 count). **Total Proposed Penalty: \$5,000.**

Default Proceedings

Default Proceedings Requesting Commission Action

4. **In the Matter of Friends of H. Fangary for Hermosa Beach City Council 2013, H. S. Fangary for City Council 2017, Dina Fangary, and Hany S. Fangary; FPPC No. 18/005.** Staff: Theresa Gilbertson, Senior Commission Counsel. Hany S. Fangary was a successful candidate for the 2013 and 2017 elections for City Council. H. Fangary for Hermosa Beach City Council 2013 and H. S. Fangary for City Council 2017 were Fangary’s candidate-controlled committees. Dina Fangary served as the Committee’s treasurer. The 2013 Committee, Fangary, and Fangary failed to timely file eight semi-annual campaign statements, in violation of Government Code Section 84200 (1 count) and failed to timely file two pre-election campaign statements, in violation of Government Code Sections 84200.5 and 84200.8 (2 counts). The 2017 Committee, Fangary, and Fangary failed to timely file a pre-election campaign statement, in violation of Government Code Sections 84200.5

and 84200.8 (2 counts), failed to timely file six semi-annual campaign statements, in violation of Government Code Section 84200 (1 count), failed to utilize a single, designated campaign bank account for all contributions, in violation of Government Code Section 85201 (1 count), and failed to include complete disclosure on a mass mailing, in violation of Government Code Section 84305 (1 count). **Total Proposed Penalty: \$24,000.**

- 5. In the Matter of Committee to Oppose Measure E, and James R. Nyman; FPPC No. 18/206.** Staff: Christopher B. Burton, Assistant Chief of Enforcement and Lance Hachigian, Special Investigator. Committee to Oppose Measure E was a committee primarily formed to oppose Palos Verdes Estates Measure E, which appeared on the ballot in the April 10, 2018 Special Municipal Election. James R. Nyman served as the principal officer and treasurer of the Committee. The Committee and Nyman failed to timely file a pre-election campaign statement, in violation of Government Code Sections 84200.5 and 84200.8 (1 count), failed to timely report contributions, loans, expenditures, and subvendor payments on a semi-annual campaign statement, in violation of Government Code Section 84211 (1 count), and failed to timely file an amendment to the Committee's statement of organization after the Committee qualified, in violation of Government Code Section 84103 (1 count). **Total Proposed Penalty: \$9,500.**

General Items 6-12

- 6. Pre-Notice Discussion of Regulation 18360 Amendments Regarding Public Information and Records Requests for Pending Enforcement Matters.** Staff: Kevin Cornwall, Commission Counsel. Staff proposes amending Regulation 18360 regarding the information and records the Commission is able to provide to the public regarding pending Enforcement matters, as well as the manner in which it may be provided. The proposed amendments are presented for pre-notice discussion, with adoption currently scheduled for the June 2022 Commission meeting.

Staff Memo Proposed Regulation 18360

- 7. Pre-Notice Discussion of Proposed Regulation 18315.** Staff: Dave Bainbridge, General Counsel. Staff proposes a new regulation requiring the Enforcement Division to refer to the Office of the Attorney General any complaint alleging a sitting Commission violated the Political Reform Act. The proposed regulation is presented for discussion and direction by the Commission and will be presented for adoption at a subsequent meeting.

Staff Memo Proposed Regulation 18315

- 8. Attorney General Opinion No. 19-1001.** Staff: Dave Bainbridge, General Counsel. Staff will brief the Commission on a recent Attorney General opinion concluding FPPC Commissioners are prohibited from making a campaign contribution to a federal candidate on the ballot in a California election. The Commission voted to request an opinion during the September 2019 meeting.

AG Opinion No. 19-1001

9. Committee Updates.

Law and Policy Committee Update.

- 10. Legislative Update.** Staff: Lindsey Nakano, Senior Legislative Counsel. The Commission will review and discuss potential sponsored and other legislation. The Commission will provide direction on future legislation to be sought by the agency.

Legislative Update

11. Executive Staff Reports.

Enforcement Division. Angela Brereton, Chief.

Audits and Assistance Division. Shrdha Shah, Chief.

Legal Division. David Bainbridge, General Counsel.

Administration and Technology Division. Loressa Hon, Chief.

Executive Director Update. Galena West, Executive Director.

Executive Staff Report

12. 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).)