



NOTICE AND AGENDA Commission Meeting¹

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

Thursday, February 17, 2022
10:00 A.M.

Under Government Code section 11133(a), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and address the state body. 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.

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.

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](#).

Approval of Commission Minutes

2. Approval of December 2021 Commission Hearing Minutes.

Consent Calendar 3-6

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.

- 3. Adoption of Amended Form 803, Behested Payment Report.** Staff: Chloe Hackert, Program Manager for Education, Diversion and Special Projects Group, and Karen Harrison, Senior Commission Counsel, Legal Division. Staff presents for adoption proposed amended Form 803 which has been revised to reflect new regulations adopted by the Commission in October of 2021 concerning reporting of behested payments, as well as other formatting updates.

Staff Memo

Updated Form 803

Advertisements and Campaign Late Filer

- 4. In the Matter of Committee for a Strong Siskiyou Economy, No on Measure H Sponsored by Crystal Geysers Water Company, Kelly Lawler, Jill Harris, and Crystal Geysers Water Company; FPPC No. 17/123.** Staff: Theresa Gilbertson, Senior Commission Counsel and Ann Flaherty, Special Investigator. The Committee and Kelly Lawler were represented by Steve Churchwell of Buchalter Law Firm. Jill Harris and Crystal Geysers Water Company were represented by Jim Sutton and Nicholas Sanders of the Sutton Law Firm. Committee for a Strong Siskiyou Economy, No on Measure H Sponsored by Crystal Geysers Water Company was a primarily formed ballot measure committee that was active in Siskiyou County during the November 8, 2016 General Election. Kelly Lawler served as the Committee's treasurer and Jill Harris served as the principal officer. The Committee and Harris failed to include an accurate disclosure statement on mass mailings and advertisements, in violation of Government Code Sections 84106, 84504, subdivision (c), and 84305 (1 count). The Committee and Lawler failed to accurately disclose activity on two preelection campaign statements, in violation of Government Code Section 84211 (2 counts) and failed to timely file four 24-hour reports, in violation of Government Code Section 84203 (1 count). As a major donor, Crystal Geysers Water Company failed to timely file a major donor campaign statement, in violation of Government Code Section 84200 (1 count) and failed to timely file a 24-hour report, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$48,000.**

Cash Contributions

- 5. In the Matter of Hanford Now and Dan Chin, FPPC No. 16/711.** Staff: Theresa Gilbertson, Senior Commission Counsel and Ann Flaherty, Special Investigator. Hanford Now is a local general purpose committee. Dan Chin is the Committee's treasurer and principal officer. In 2016 and 2017, the Committee and Chin accepted prohibited cash contributions of \$100 or more, in violation of Government Code Section 84300. **Total Proposed Penalty: \$3,500.**

Default Proceedings
Requesting Commission Action

6. **In the Matter of Friends of Joe Aguirre for Delano City Council 2014 and Joe Aguirre; FPPC No. 17/193.** Staff: Theresa Gilbertson, Senior Commission Counsel and Ann Flaherty, Special Investigator. The respondents were represented by Brandon Martin. Joe Aguirre was a successful candidate for Delano City Council in the November 8, 2014 and November 8, 2016 General Elections. Friends of Joe Aguirre for Delano City Council 2014 was Aguirre's candidate-controlled committee. The Committee and Aguirre failed to timely file four preelection campaign statements, in violation of Government Code Sections 84200.5 and 84200.8 (4 counts) and failed to timely file eight semi-annual campaign statements, in violation of Government Code Section 84200 (4 counts). **Total Proposed Penalty: \$36,000.**

Pre-Notice Defaults

Intent to present Default Decision and Orders at the March Commission Meeting

7. **In the Matter of Taxpayers for Good Government PAC (Sponsored by Taxpayers for Good Government 501c4) and Robert Johnson; FPPC No. 16/473.** Staff: Jenna C. Rinehart, Commission Counsel and Paul Rasey, Special Investigator. Taxpayers for Good Government PAC (Sponsored by Taxpayers for Good Government 501c4) is a state general purpose committee that was active during the 2016 and 2018 Primary and General Elections. Robert Johnson is the Committee's treasurer. In 2016, the Committee and Johnson failed to timely file an amendment to the Committee's statement of organization, in violation of Government Code Section 84103 (1 count); failed to timely file one preelection and two semi-annual campaign statements, in violation of Government Code Sections 84200, 84200.5, and 84200.8 (1 count); failed to timely file twelve 24-hour reports, in violation of Government Code Section 84204 (2 counts); and failed to include the proper disclosure on three mass mailings and a Facebook advertisement, in violation of Government Code Sections 84305, 84506, 84506.5, and Regulation 18402 (1 count). In 2017, the Committee and Johnson failed to timely file two semi-annual campaign statements, in violation of Government Code Section 84200 (1 count). In 2018, the Committee and Johnson failed to timely file one preelection and two semi-annual campaign statements, in violation of Government Code Sections 84200, 84200.5, and 84200.8 (1 count); failed to timely file a 24-hour report, in violation of Government Code Section 84204 (1 count); and failed to include the proper disclosure on two mailer advertisements, in violation of Government Code Sections 84502 and 84506.5 (1 count). And in 2019, the Committee and Johnson failed to timely file two semi-annual campaign statements, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$30,000.**
8. **Californians in Support of Mike Antonovich State Senate 2016 and Shelley Levine; FPPC Nos. 17/1397 and 18/821.** Staff: Theresa Gilbertson, Senior Commission Counsel. This matter arose from an audit performed by the Franchise Tax Board's Political Reform Audit Program. Californians in Support of Mike Antonovich State Senate 2016 was a primarily formed committee that supported the candidacy of Michael Antonovich for State Senate District 25 during the 2016 primary and general elections. Shelley Levine was the Committee's treasurer. The Committee and Levine failed to timely amend the Committee's statement of organization to include the name of its sponsor, in violation of Government Code Section 84103 (1 count); failed to timely file four preelection campaign statements, in violation of Government Code Section 84200.5 (2 counts); failed to timely file two 24-hour reports, in violation of Government Code Section 84203 (1 count); and failed to adequately maintain campaign records, in violation of Government Code Section 84101 (1 count). **Total Proposed Penalty: \$21,000.**

General Items 9-19

- 9. Assignment of Hearing to Administrative Law Judge (ALJ): In the Matter of Stop the Strong Mayor Power Grab and Craig Powell; FPPC No. 20/823.** Staff: Galena West, Executive Director; Angela J. Brereton, Chief of Enforcement; and Ruth Yang, Senior Commission Counsel. The Executive Director and the Chief of Enforcement are recommending that a hearing be conducted before an ALJ pursuant to Government Code Section 11512, subdivision (a). The ALJ will make a recommendation to the Commission on the findings of fact, law and penalty, if applicable, in the matter. The Commission will then have the opportunity to review the proposed decision and make the final determination on the case. If the Commission agrees with this recommendation, no action is required.

Staff Memo and Accusation

- 10. Update Regarding Voiding of Contracts that Violate Government Code Section 1090.** Staff: Angela Brereton, Chief of Enforcement. Following the Commission's request at the November 2021 Commission meeting, staff will present their findings of the legal effect of Commission civil and administrative action on seeking declaratory relief regarding voiding of contracts that violate Section 1090.

Staff Memo

- 11. Summary of the Law Concerning Aggregation of Campaign Contributions from Related Entities (Government Code section 82015.5).** Staff: Dave Bainbridge, General Counsel.
- 12. In re Leiderman Opinion.** Staff: Katelyn Greene, Commission Counsel, Legal Division. The Commission will consider an opinion request concerning the sale of non-fungible tokens (NFTs) by a candidate-controlled committee.

Staff Memo

- 13. Regulation Projects and Schedule for 2022.** Staff: Galena West, Executive Director and Dave Bainbridge, General Counsel. Staff proposes for Commission consideration a list of regulation projects for 2022 and a schedule for presenting these regulation projects to the Commission for pre-notice discussion and adoption.

Staff Memo

- 14. FY 2021/2022 Second Quarter Expenditure Report.** Staff: Loressa Hon, Chief of Administration.

Staff Memo

- 15. 2022/2023 Budget.** Staff: Loressa Hon, Chief of Administration.

Staff Memo

- 16. Legislative Development.** 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 Development

17. Update on Legal Division's Diversion Program. Staff: Chloe Hackert, Program Manager, Education Diversion and Special Projects Group.

18. 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

Supplemental Legislative Report

Annual Report

19. 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).)