



## NOTICE AND AGENDA Commission Meeting<sup>1</sup>

California Fair Political Practices Commission  
1102 Q Street, Suite 3050  
Sacramento, CA 95811

Thursday, June 15, 2023  
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. 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](mailto:CommAsst@fppc.ca.gov) (e-mail) and [ADACoordinator@fppc.ca.gov](mailto: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

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<sup>1</sup>You can obtain further information about the meeting by contacting the Commission Assistant, 1102 Q Street, Suite 3050, 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](mailto: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](http://www.fppc.ca.gov). Materials submitted by the public regarding each agenda item will be made available on the website.

comment when that item has been opened for consideration by the Commission and before any action is taken.

### Closed Session (12:30PM-1:00PM)

#### 2. Closed Session. Discussion of Pending Litigation. (Gov. Code § 11126(e)(1)).

### Approval of Commission Minutes

#### 3. Approval of April 2023 Commission Hearing Minutes.

### Consent Calendar 4-5

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.

#### Pre-Notice Defaults

4. **In the Matter of Jose Pech; FPPC No. 19/1407.** Staff: Jenna C. Rinehart, Commission Counsel and George Aradi, Special Investigator. Jose Pech, a former Housing Inspector for the City of Oxnard Housing Authority, participated in governmental decisions by inspecting and evaluating rental properties that had a reasonably foreseeable material financial effect on Pech's source of income financial interest, in violation of Government Code Section 87100 (2 counts). Additionally, Pech failed to timely file a Leaving Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$14,000.**
  
5. **In the Matter of Alcantar for City Council 2018, Elizabeth Alcantar, and Oscar Moreno; FPPC No. 18/1142.** Staff: Jenna C. Rinehart, Commission Counsel and Roone Petersen, Special Investigator. Elizabeth Alcantar was a successful candidate for Cudahy City Council in the November 6, 2018 General Election. Alcantar for City Council 2018 is Alcantar's controlled committee. Oscar Moreno serves as the Committee's treasurer. Alcantar, as a candidate, failed to timely file a statement of intention prior to the solicitation and receipt of contributions, in violation of Government Code Section 85200 (1 count). The Committee, Alcantar, and Moreno failed to timely file an amendment to the Committee's statement of organization to report its date of qualification, in violation of Government Code Sections 84101 and 84103 (1 count); failed to timely file a 24-hour contribution report, in violation of Government Code Section 84203 (1 count); and failed to timely file six semi-annual campaign statements, in violation of Government Code Section 84200 (1 count). Additionally, Alcantar, as a city councilmember, failed to timely file two Statements of Economic Interests, in violation of Government Code Sections 87200 and 87203 and Regulation 18723 (1 count). **Total Proposed Penalty: \$13,000.**

### General Items 6-13

6. **Winuk Advice Letter I-23-009.** Staff: Brian Lau, Assistant General Counsel. The Commission will receive and discuss information from staff regarding a recent informal advice letter provided to Palo Alto City Council Member Julie Lythcott-Haims, and may take action based upon the same.

**Advice Letter – Winuk I-23-009**  
**Comment Letter – Palo Alto**  
**Comment Letter – CPAA**  
**Comment Letter – CalCities**  
**Comment Letter – Kaufman Legal Group**

- 7. Adoption of Proposed Amendments to Regulation 18531; Return or Attribution of Excessive Contributions.** Staff: Toren Lewis, Commission Counsel, Legal Division. Staff proposes amendments to Regulation 18531, Return of Excessive Contributions, interpreting and implementing Section 85319.5 as a result of the passage of SB 794 in 2022. The proposed amendments were presented for prenotice discussion at the March Commission meeting and are now presented for adoption by the Commission.

**Staff Memo**  
**Proposed Amendments to Regulations 18531**

- 8. Proposed Repeal, Adoption, and Amendment of Levine Act Regulations (18438-18438.8, 18705).** Staff: Kevin Cornwall, Senior Commission Counsel, Legal Division. Proposed new and amended regulations interpreting and implementing Section 84308 as the result of the passage of SB 1439 in 2022. Staff presents the regulations for adoption, following pre-notice discussion at the February Commission meeting, an Interested Persons meeting in April, and Law & Policy Committee meetings in May and June.

**Staff Memo**  
**Proposed Repeal to Regulation 18438.7**  
**Proposed Adoption to Regulation 18438**  
**Proposed Adoption to Regulation 18438.7**  
**Proposed Amendments to Regulation 18438**  
**Proposed Amendments to Regulation 18438.2**  
**Proposed Amendments to Regulation 18438.3**  
**Proposed Amendments to Regulation 18438.4**  
**Proposed Amendments to Regulation 18438.5**  
**Proposed Amendments to Regulation 18438.6**  
**Proposed Amendments to Regulation 18438.8**  
**Proposed Amendments to Regulation 18705**  
**Comment Letter-City of San Diego**  
**Comment Letter – The Sutton Law Firm**  
**Comment Letter – California Political Attorneys Association**  
**Comment Letter – LA County Metro Transportation Authority**  
**Comment Letter- State Building and Construction Trades Council**  
**Comment Letter- LA County Office of the County Counsel**  
**Comment Letter- CA Common Cause**

- 9. Adoption of Proposed Amendments to Regulation 18361.1.** Staff: Dave Bainbridge, General Counsel, Legal Division. The proposed amendments to Regulation 18361.1 would modify the administrative subpoena procedure by requiring Enforcement staff to wait 21-days after a voluntary request for records before issuing an administrative subpoena for those records. The

proposed amendments were presented for prenotice discussion at the April Commission meeting and are now presented for adoption by the Commission.

**Staff Memo**

**Proposed Amendments to Regulations 18361.1**

10. **Adoption of Proposed Amendments to Disclose Act Regulations.** Staff: Erika M. Boyd, Senior Counsel. Proposed amended regulations implementing changes to the Disclose Act as the result of the passage of SB 1360 in 2022, as well as proposed clarifying amendments. The proposed amendments were presented for prenotice discussion at the April Commission meeting and are now presented for adoption by the Commission.

**Staff Memo**

**Proposed Amendments to Regulation 18402**

**Proposed Amendments to Regulation 18450.3**

**Proposed Amendments to Regulation 18450.4**

**Proposed Amendments to Regulation 18450.6**

**Proposed Amendments to Regulation 18450.8**

**Proposed Amendments to Regulation 18450.9**

11. **Legislative Update.** Staff: Lindsey Nakano, Senior FPPC Legislative Counsel. The Commission will review and discuss potential sponsored and other legislation. The Commission may provide direction to staff regarding the same.

**Legislative Update**

12. **Executive Staff Reports.**

Enforcement Division. Christopher Burton, Acting 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**

13. **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).)