

Sasha Linker

From: Stephen Petzold [REDACTED]
Sent: Monday, September 14, 2020 4:59 AM
To: CommAsst
Subject: Public Comment for FPPC September Meeting: RE Proposed Stipulation with College of the Canyons Foundation

EXTERNAL EMAIL

Dear FPPC Commissioners,

At the FPPC meeting in August you agreed to set aside the consideration of a stipulation reached with the College of the Canyons Foundation until the October meeting.

I am asking you extend that period until a date to be determined in the future for the following reasons.

First, I am attempting to independently determine the source of the contribution (\$150,000) using the Richard McKee Act to obtain financial documents that assure me that the funds came from non-donor sources. The Foundation is indicates that the Response to the request cannot be provided until November 19, well after the date you scheduled to rehear the stipulation.

Second, after your August meeting I received a copy of the Form 461 completed in 2019 and signed by Foundation head Cathy Ritz indicating that

“Contributions made from revenue received in exchange for exclusive distribution or management rights on campus”.

I filed a public records for copies of the contracts behind the distribution rights and was advised that the Foundation does not have any responsive documents.

Third, there is an open FPPC investigation against the College of the Canyons (COM-06052019-01088) and it is my opinion after listening to the August meeting that these cases should be heard together for any settlement stipulation. There appears to be an important nexus between the Public Agency employees and those at the Foundation.

My impression is that you were not aware of the open investigation of the college at the August meeting. FPPC staff did not mention this fact.

In the interest of fairness I bring these facts to your attention for consideration.

I am planning to give public comment at the September meeting, and I wanted to provide this statement for your benefit in advance of the meeting.

Stephen C Petzold
[REDACTED]

Sent from my iPad

RECEIVED BY
LOS ANGELES COUNTY

2019 APR 24 AM 11:06

CAMPAIGN FINANCE

59110

Major Donor and
Independent Expenditure Committee
Campaign Statement

MAJOR DONOR AND INDEPENDENT EXPENDITURE
COMMITTEE STATEMENT

Date Stamp 4/18/19 ③	CALIFORNIA FORM 461
	Page <u>1</u> of <u>3</u>
	For Official Use Only m19547

Statement covers period from <u>01/01/2016</u> through <u>06/30/2016</u>	Date of election if applicable: (Month, Day, Year)
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SEE INSTRUCTIONS ON REVERSE

1. Name and Address of Filer

NAME OF FILER
College of the Canyons Foundation

RESIDENTIAL OR MAILING ADDRESS (NO. AND STREET)
26455 Rockwell Canyon Road

CITY STATE ZIP CODE
Santa Clarita CA 91355

RESPONSIBLE OFFICER (If filer is other than an individual)
Cathy Ritz

AREA CODE/DAYTIME PHONE
(661) 362-3639

3. Summary

(Amounts may be rounded to whole dollars.)

1. Expenditures and contributions (including loans) of \$100 or more made this period. (Part 5.)	\$ 150,000.00
2. Unitemized expenditures and contributions (including loans) under \$100 made this period.	\$ 0.00
3. Total expenditures and contributions made this period. (Add Lines 1 + 2.)	SUBTOTAL \$ 150,000.00
4. Total expenditures and contributions made from prior statement. (Enter amount from Line 5 of last statement filed. If this is the first statement for the calendar year, enter zero.)	\$ 0.00
5. Total expenditures and contributions (including loans) made since January 1 of the current calendar year. (Add Lines 3 + 4.)	TOTAL \$ 150,000.00

2. Nature and Interests of Filer (Complete each applicable section.)

A FILER WHO IS AN INDIVIDUAL MUST LIST THE NAME, ADDRESS, AND BUSINESS INTERESTS OF EMPLOYER OR, IF SELF-EMPLOYED, THE NAME, ADDRESS, AND NATURE OF THE BUSINESS

NAME OF EMPLOYER/BUSINESS BUSINESS INTERESTS

ADDRESS OF EMPLOYER/BUSINESS


A FILER THAT IS A BUSINESS ENTITY MUST DESCRIBE THE BUSINESS ACTIVITY IN WHICH IT IS ENGAGED

A FILER THAT IS AN ASSOCIATION MUST PROVIDE A SPECIFIC DESCRIPTION OF ITS INTERESTS

A FILER THAT IS NOT AN INDIVIDUAL, BUSINESS ENTITY, OR ASSOCIATION MUST DESCRIBE THE COMMON ECONOMIC INTEREST OF THE GROUP OR ENTITY
Community College Auxiliary Organization

4. Verification

I have used all reasonable diligence in preparing this statement. I have reviewed the statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 4-11-19 By 
DATE SIGNATURE OF INDIVIDUAL DONOR OR RESPONSIBLE OFFICER IF OTHER THAN AN INDIVIDUAL

Amendment (Explain): _____



Major Donor and Independent Expenditure Committee Campaign Statement

Amounts may be rounded to whole dollars.

MAJOR DONOR AND INDEPENDENT EXPENDITURE COMMITTEE STATEMENT

CALIFORNIA FORM 461

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER

College of the Canyons Foundation

Statement covers period from 01/01/2016 through 06/30/2016
Page 2 of 3

5. Contributions (Including Loans, Forgiveness of Loans, and Loan Guarantees) and Expenditures Made

(If more space is needed, use additional copies of this page for continuation sheets.)

DATE	NAME, STREET ADDRESS, CITY, STATE AND ZIP CODE (IF COMMITTEE, ALSO ENTER ID. NUMBER)	TYPE OF PAYMENT	DESCRIPTION OF PAYMENT (IF OTHER THAN MONETARY CONTRIBUTION OR LOAN)	CANDIDATE AND OFFICE, MEASURE AND JURISDICTION, OR COMMITTEE	AMOUNT THIS PERIOD	CUMULATIVE AMOUNT RELATED TO THIS CANDIDATE, MEASURE, OR COMMITTEE
03/22/2016	Committee for College of the Canyons - Yes on Measure E (ID# 1384666) 21300 Victory Blvd., Suite 420 Woodland Hills, CA 91367	<input checked="" type="checkbox"/> Monetary Contribution <input type="checkbox"/> Loan <input type="checkbox"/> Non-Monetary Contribution <input type="checkbox"/> Independent Expenditure		Local School Bond, Measure E Santa Clarita Community College District	50,000.00	150,000.00
04/26/2016	Committee for College of the Canyons - Yes on Measure E (ID# 1384666) 21300 Victory Blvd., Suite 420 Woodland Hills, CA 91367	<input checked="" type="checkbox"/> Monetary Contribution <input type="checkbox"/> Loan <input type="checkbox"/> Non-Monetary Contribution <input type="checkbox"/> Independent Expenditure		Local School Bond, Measure E Santa Clarita Community College District	50,000.00	150,000.00
05/18/2016	Committee for College of the Canyons - Yes on Measure E (ID# 1384666) 21300 Victory Blvd., Suite 420 Woodland Hills, CA 91367	<input checked="" type="checkbox"/> Monetary Contribution <input type="checkbox"/> Loan <input type="checkbox"/> Non-Monetary Contribution <input type="checkbox"/> Independent Expenditure		Local School Bond, Measure E Santa Clarita Community College District	50,000.00	150,000.00
SUBTOTAL \$					150,000.00	

**Additional Comments
For Form 461 Cover Page**

NAME OF FILER
College of the Canyons Foundation

Contributions made from revenue received in exchange for exclusive distribution or management rights on campus.

ADDITIONAL COMMENTS (Cover)
CALIFORNIA
FORM 461

Page 3 of 3

I.D. NUMBER



26455 Rockwell Canyon Road, Santa Clarita, CA 91355 • 661.362.3434

August 21, 2020

VIA EMAIL ONLY
stephen.petzold@gmail.com

Mr. Stephen Petzold
28081 Caraway Lane
Saugus, CA 91350

Re: *Response to McKee Transparency Act Request – College of the Canyons Foundation and Support for Measure E (2016)*

Dear Mr. Petzold:

This letter is in response to your Public Records Act request submitted to me via email on July 29, 2020. This will serve as the College of the Canyons Foundation's ("Foundation") response to your request. As an auxiliary organization, the Foundation is not subject to California's Public Records Act. However, its records are subject to disclosure under the comparable Richard McKee Transparency Act. We provide this response in accordance with the McKee Transparency Act.

The McKee Transparency Act is a transparency statute specific to community college district auxiliary organizations and recognizes them as legally separate from the California Community Colleges. (See, Ed. Code, § 72690.) However, in accordance with one of its provisions (Ed. Code, § 72695), any document that is exempt under the PRA is also exempt from disclosure under the McKee Act. (Ed. Code, § 72695, Gov. Code, §§ 6254, et seq.)

Under the McKee Transparency Act, the Foundation is required to make public records available for inspection, or to permit you to obtain copies, unless the record is subject to an exemption. Public records are "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency." (Ed. Code, § 72695; Gov. Code, § 6252, subd. (e).) Except for public records that are exempt from disclosure, the Foundation is required to disclose records when it receives a request for an identifiable record. The Foundation is not required to create documents that do not otherwise exist. (Ed. Code, § 72695; Gov. Code, § 6253, subd. (b).)

The Foundation will provide any non-exempt information requested. The Foundation will not provide any documents that are protected by state or federal law including, but not limited to, information protected under the Family Educational Rights and Privacy Act, the Confidentiality of

Medical Information Act, the attorney-client privilege or work product protection doctrine, the official information privilege, or the deliberative process privilege. (See Government Code section 6254, subd. (k).) The Foundation also will not produce any records related to pending litigation or personnel, medical, or similar files, the disclosure of which would constitute and unwarranted invasion of personal privacy. (See Gov. Code, § 6254, subd. (b), (c).) Additionally, the Foundation will not provide any records where the public interest in withholding the record clearly outweighs the public interest served by disclosure of the record. (Gov. Code, § 6254, subd. (a).)

You have requested the following documents regarding College of the Canyons Foundation.

- Complete copy of IRS Form 990 for 2015.

This appears to be a request for the IRS Form 990 for the period between July 1, 2015 and June 30, 2016. Please confirm.

Petzold response: Confirmed

Foundation's response: The Foundation will produce any non-exempt documents in its custody and control. The Foundation will redact confidential information.

- Copy of form IRS 5768 filed in connection with monetary contributions made to the Yes on Measure E Committee.

Again, this appears to be a request for the IRS Form 5768 for the period between July 1, 2015 and June 30, 2016. Please confirm.

Petzold response: Confirmed

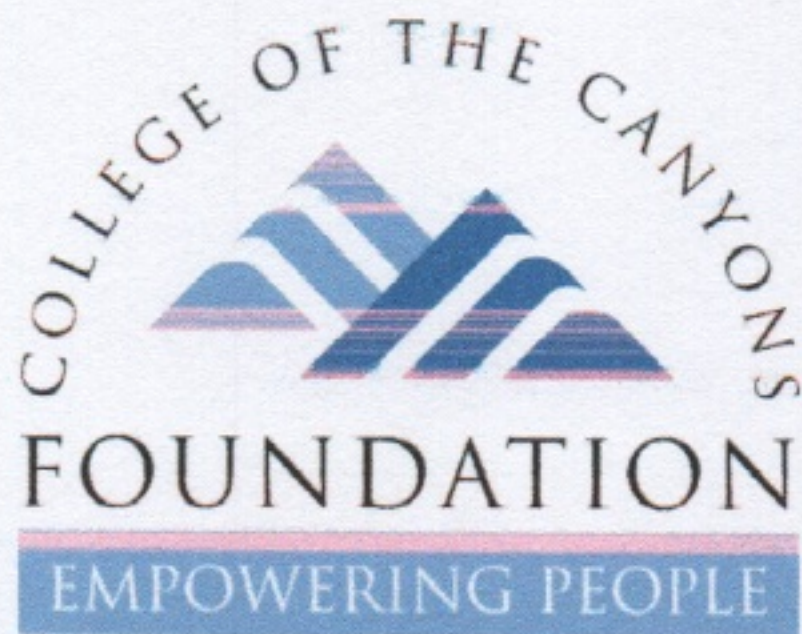
Foundation's response: The Foundation will produce any non-exempt documents in its custody and control.

- Schedule B for 2015 form 990-tax year 2015-2016.

This document is included in your first request above for "a complete copy of IRS Form 990 for 2015." Is there some other document you are seeking from this request? The Schedule B contains confidential information. We will redact as required before producing any Schedule Bs.

Petzold response: Confirmed – Redacted

Foundation's response: The information sought is included in your first request.



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- Schedule I for 2015 form 990 tax year 2015-2016.

This document is included in your first request above for “a complete copy of IRS Form 990 for 2015.” Is there some other document you are seeking from this request?

Petzold response: No other document Provide Schedule I

Foundation’s response: The information sought is included in your first request.

- Monthly Bank statements for the Funds for the Future Account covering the period July 2015 through June 30, 2016, reflecting all deposits and withdrawals Acct # 82-65890-950514-1000.

It is not clear what you mean by “monthly bank statements.” The Foundation does not receive monthly bank statements for this account. The Foundation has Monthly Disbursement Reports for this account. Can you describe the documents you are seeking with more specificity, please?

You did not respond to our request for clarification.

Foundation’s response: The Foundation does not have monthly bank statements for the account requested. Therefore, the Foundation is not in possession of any records responsive to this request.

- Copy of Policy and Procedure for Grant Requests from Foundation funds (Funds for the Future).

It appears you are seeking any Foundation Policies and Procedures that apply to requests for Funds for the Future and all other Foundation funds. Please confirm.

Petzold response: Confirmed

Foundation’s response: The Foundation will produce any non-exempt documents in its custody and control.

- College of the Canyons Foundation Report covering the period January 1, 2016 through June 30, 2016.

We do not understand what "foundation report" you are seeking. Can you describe the report you are seeking with more specificity, please?

Petzold response: Specific – College of the Canyons Foundation Financial Report Covering Period July 1, 2015 to June 30, 2016.

Foundation's response: The Foundation will produce any non-exempt documents in its custody and control.

- A copy of FPPC stipulation 19/475 including signature on page 7.

This document is still a draft, and is exempt from disclosure under Government Code, section 6254 subdivision (a).

- Copy of minutes from the Foundation Board reflecting approval for expenditure of funds from the Foundation to the Yes on Measure E Committee.

This appears to be a request for documents reflecting approval of any Foundation expenditure of funds to the Yes on Measure E Committee. The Finance Committee and Executive Committee were delegated this authority, including disbursement of contributions. Please confirm if you are seeking documents reflecting Finance Committee and Executive Committee approval of Foundation expenditure of funds to the Yes on Measure E Committee.

Petzold response: Confirmed

Foundation's response: The Foundation will produce any non-exempt documents in its custody and control.

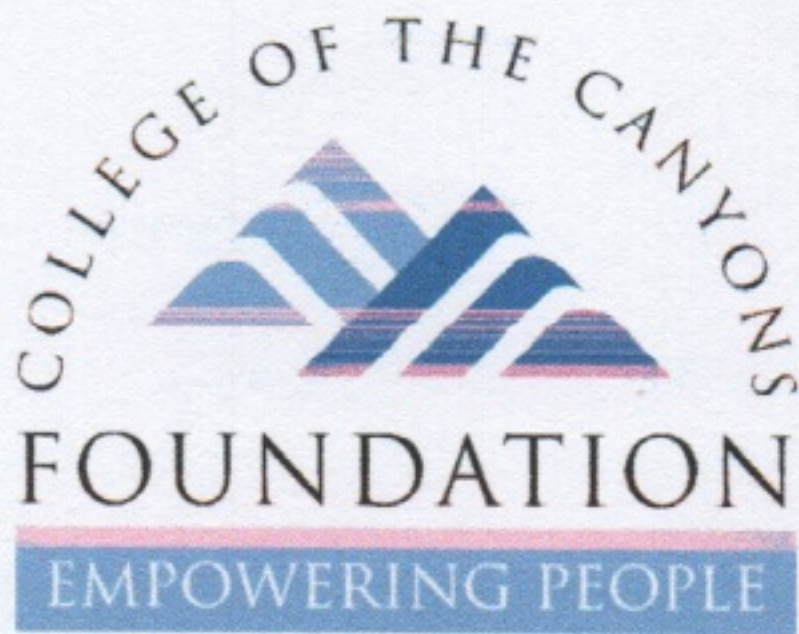
- Copy of request from Yes on Measure E Committee to the Foundation for financial support for the Yes on Measure E Committee.

You do not specify a time frame for this request. It would be helpful if there were a specific range of time for which you are seeking documents.

Petzold response: Any requests from Committee between January 1, 2016 and June 30, 2016.

Foundation's response: The Foundation will produce any non-exempt documents in its custody and control.

- Copy of retainer agreement between the COC Foundation and Olson Remcho LLP.



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You do not specify a time frame for this request. It would be helpful if there were a specific range of time for which you are seeking documents.

Petzold response: January 1, 2016 through December 31, 2019.

Foundation's response: The attorney-client privilege protects Attorney fee agreements. Business and Professions Code section 6149 provides, "A written fee contract shall be deemed to be a confidential communication within the meaning of subdivision (e) of Section 6068 and of Section 952 of the Evidence Code." Therefore, any responsive records are exempt from disclosure. (Gov. Code, § 6254, subd. (k).)

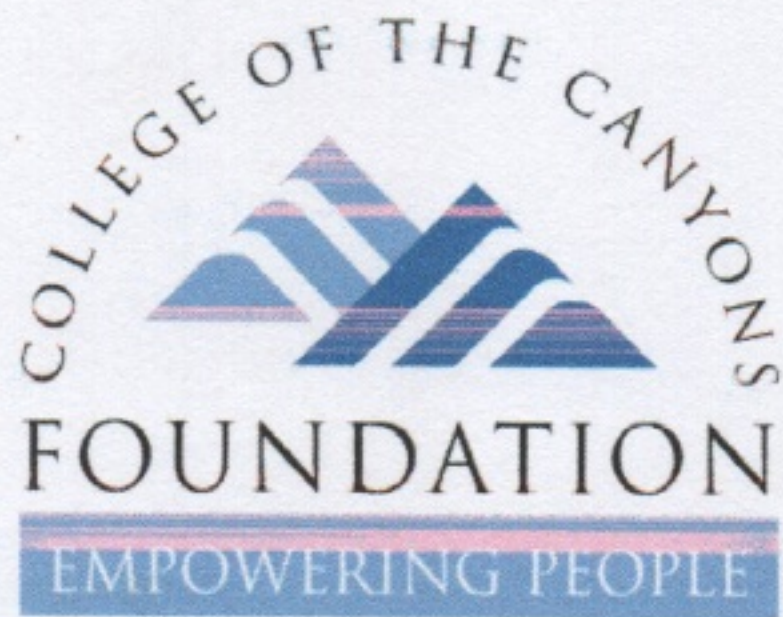
The documents you seek may be voluminous and will require redaction. In addition, the college foundation offices as well as other functions at the college are closed to the public and are operating with very limited staff. We expect to be able to produce these documents in 90 days, or by November 19, 2020. We will be in touch when we have gathered the records. At that time, we will be able to provide an estimate of the cost to provide you copies or to make arrangements for you to review these records.

Please do not hesitate to contact me or at cathy.ritz@canyons.edu if you have any questions or if you would like to discuss.

Very truly yours,

Cathy Ritz

Cathy Ritz
Foundation Chief Operating Officer and
Director, University Center



26455 Rockwell Canyon Road, Santa Clarita, CA 91355 • 661.362.3434

September 4, 2020

VIA EMAIL ONLY
stephen.petzold@gmail.com

Mr. Stephen Petzold
28081 Caraway Lane
Saugus, CA 91350

Re: *Response to McKee Transparency Act Request – College of the Canyons Foundation and Support for Measure E (2016)*

Dear Mr. Petzold:

This letter is in response to your Public Records Act request submitted to me via email on August 27, 2020. This will serve as the College of the Canyons Foundation's ("Foundation") response to your request. As an auxiliary organization, the Foundation is not subject to California's Public Records Act. However, its records are subject to disclosure under the comparable Richard McKee Transparency Act. We provide this response in accordance with the McKee Transparency Act.

The McKee Transparency Act is a transparency statute specific to community college district auxiliary organizations and recognizes them as legally separate from the California Community Colleges. (See, Ed. Code, § 72690.) However, in accordance with one of its provisions (Ed. Code, § 72695), any document that is exempt under the PRA is also exempt from disclosure under the McKee Act. (Ed. Code, § 72695, Gov. Code, §§ 6254, et seq.)

Under the McKee Transparency Act, the Foundation is required to make public records available for inspection, or to permit you to obtain copies, unless the record is subject to an exemption. Public records are "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency." (Ed. Code, § 72695; Gov. Code, § 6252, subd. (e).) Except for public records that are exempt from disclosure, the Foundation is required to disclose records when it receives a request for an identifiable record. The Foundation is not required to create documents that do not otherwise exist. (Ed. Code, § 72695; Gov. Code, § 6253, subd. (b).)

The Foundation will provide any non-exempt information requested. The Foundation will not provide any documents that are protected by state or federal law including, but not limited to,

Mr. Petzold
August 21, 2020
Response to Public Records Act Request
Page 2

information protected under the Family Educational Rights and Privacy Act, the Confidentiality of Medical Information Act, the attorney-client privilege or work product protection doctrine, the official information privilege, or the deliberative process privilege. (See Government Code section 6254, subd. (k).) The Foundation also will not produce any records related to pending litigation or personnel, medical, or similar files, the disclosure of which would constitute and unwarranted invasion of personal privacy. (See Gov. Code, § 6254, subd. (b), (c).) Additionally, the Foundation will not provide any records where the public interest in withholding the record clearly outweighs the public interest served by disclosure of the record. (Gov. Code, § 6254, subd. (a).)

You have requested the following documents regarding College of the Canyons Foundation:

- All contracts and agreements between the COC Foundation and companies/organizations which had or have “exclusive distribution or management rights on campus” and funded the \$150,000 contribution to the Yes on Measure E Committee in 2016.
 - The Foundation has no responsive documents.

Please do not hesitate to contact me at cathy.ritz@canyons.edu if you have any questions or if you would like to discuss.

Very truly yours,

Cathy Ritz

Cathy Ritz
Foundation Chief Operating Officer and
Director, University Center

COMPLAINT RECEIVED

The Enforcement Division of the Fair Political Practices Commission received the enclosed complaint, COM-06052019-01088, on 6/5/2019 12:59:00 PM. The information filed in the complaint is below and any attachments filed will be included.

The Complaint was formally filed against:

College of the Canyons
Respondent

Stephen Petzold
Complainant

The Violations alleged are:

Laundered Campaign Contributions

Contributions by Intermediary or Agent (84302)

Based upon information obtained through a Public Records Request with the FPPC, it is believed that College of the Canyons (a public agency) used public resource in the form of staff time, reputation, and goodwill to secure a short term lease for the Committee for College of the Canyons-Yes on Measure E Committee ID 1384666 at the Westfield Valencia Mall. The Treasurer Robert McCarty listed the contributor as Westfield Valencia Town Center. The true identity of the contributor was not Westfield, but the College of the Canyons. The College of the Canyons acted as an intermediary by allowing the Committee to conduct campaigns activity from the location (Suite2312) in the Valencia Town Center Mall.

In preparing this complaint I have relied upon guidance provided in Campaign Manual 3 (August 2018) Chapter 4.1 A (Restriction on Contributions).

"Campaign reports are often the only means for the press and the public to determine who is supporting or opposing a ballot measure." and Quick Tip "Concealing the true identity of a donor is a serious violation"

It is particularly offensive , and perhaps criminal that the intermediary is a public agency, identified as College of the Canyons that stood to benefit when the bond measure was passed.