



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

EXECUTIVE STAFF REPORTS

November 19, 2020 Commission Hearing

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I. ENFORCEMENT DIVISION

STAFF: ANGELA BRERETON, CHIEF OF ENFORCEMENT

I. Overview

During the period of October 1, 2020 through October 31, 2020 the Enforcement Division received 415 complaints, opened 95 for investigation, and rejected 160. The Enforcement Division received 331 referrals during this time. The Enforcement Division closed a total of 104 cases including:

- 57 warning letters – advertisement violations (9), campaign violations (12), conflict of interest violations (1), and statement of economic interests violations (35);
- 26 no action closure letters alleging – advertisement violations (4), campaign violations (3), conflict of interest violations (1), and statement of economic interests violations (18);
- 20 approved stipulations from the October Commission meeting; and
- 1 administrative judgment from the May Commission meeting.

The Division had 1,312 cases in various stages of resolution at the time of the October Monthly Report and currently has approximately 1,365 cases in various stages of resolution, including the 26 cases before the Commission as listed in the November Agenda.

II. Annual Statistics

On the next page, you will find a chart that details the annual statistics for enforcement complaints, referrals and cases. This chart includes the data from 2019, where Enforcement had a highly efficient and effective year, receiving almost 2,700 complaints and referrals and closing 1,031 cases with violations found. The information in the chart has been gathered from public reports, information from the defunct and inactive database, and data that has been converted into current form, so the numbers are close estimates in some instances.

	Year	2016	2017	2018	2019
1	Complaints Received	1,180	564	1,352	744
2	Referrals Received	350	1,616	1,529	1,950
3	Total Complaint and Referrals Received	1,530	2,180	2,881	2,694
4	Cases opened	1,315	1,480	1,561	1,820
5	Cases closed ³	1,803	1,477	1,243	1,465
6	Cases with resolutions approved by the Commission ¹	311	340	235	343
	a Streamline cases approved by Commission	234	262	173	263
	b Mainline cases approved by Commission	70	66	56	73
	c Default cases approved by Commission	7	12	6	7
7	Total fines imposed by the Commission	\$894,257	\$1,126,933	\$499,606	\$797,384
8	Warning letters issued	489	505	554	584
9	Administrative terminations	668	297	177	104
10	Cases closed with violations found ²	1,468	1,142	966	1,031
11	Advisory letters issued	14	17	20	9
12	No action closure letters	321	318	252	423

¹ Total for lines 6a, 6b, and 6c.

² Total for lines 6, 8, and 9.

³ Total cases closed includes Commission approved cases from the previous year and a Commission approved administrative judgement. It does not include Commission approved cases not yet closed.

III. Unexecuted Streamline Stipulations

Streamline penalty stipulations are approved by the Chief of Enforcement and reported to the Commission for discussion only before they are executed. The following streamline stipulations are presented for that purpose. After the close of the hearing, the Chief of Enforcement may execute all or any of the streamline penalty stipulations, at her discretion per Regulation 18360.2.

Advertisements

[In the Matter of San Mateo County API Caucus and Jeff Gee; FPPC No. 20/891.](#) Staff: Angela Brereton, Chief of Enforcement and Dominika Wojenska, Associate Governmental Program Analyst. San Mateo County API Caucus is a local general purpose committee. Jeff Gee is the Committee's treasurer. The Committee and Gee failed to timely file two 24-Hour Reports, in violation of Government Code Section 84204 (2 counts); and the Committee failed to include the proper advertisement disclosure on a mailer paid for by the Committee prior to the November 3, 2020 General Election, in violation of Government Code Section 84506.5 (1 count). **Total Proposed Penalty: \$609.**

[In the Matter of David Mejia for Alhambra City Council 2020 and David Mejia; FPPC No. 20/763.](#) Staff: Angela Brereton, Chief of Enforcement and Dominika Wojenska, Associate Governmental Program Analyst. David Mejia is a candidate for Alhambra City Council in the November 3, 2020 General Election. David Mejia for Alhambra City Council 2020 is his candidate-controlled committee. The Committee and Mejia failed to include the proper advertisement disclosure on a mailer paid for by the Committee prior to the election, in violation of Government Code Section 84305 (1 count). **Total Proposed Penalty: \$164.**

[In the Matter of Vote Bill Faust 2020 for Vista School Board and William H. Faust; FPPC No. 20/769.](#) Staff: Angela Brereton, Chief of Enforcement and Dominika Wojenska, Associate Governmental Program Analyst. William H. Faust is a candidate for Vista Unified School District Board of Trustees in the November 3, 2020 General Election. Vote Bill Faust 2020 for Vista School Board is his candidate-controlled committee. The Committee and Faust failed to include the proper advertisement disclosure on a mailer paid for by the Committee prior to the election, in violation of Government Code Section 84305 (1 count). **Total Proposed Penalty: \$138.**

Campaign Late Filer/Reporter

[In the Matter of Kevin Kruse; FPPC No. 19/1469.](#) Staff: Christopher Burton, Senior Commission Counsel and George Aradi, Special Investigator. Kevin Kruse was a major donor committee in 2017 that failed to timely file a semiannual campaign statement, in violation of Government Code Section 84200, subdivision (b) (1 count); and failed to timely file a 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Total Proposed Penalty: \$1,200.**

[In the Matter of Luther J. Khachigian; FPPC No. 19/1747.](#) Staff: Christopher Burton, Senior Commission Counsel and George Aradi, Special Investigator. Luther Khachigian was a major donor committee in 2017 that failed to timely file a 24-Hour Report, in violation of Government

Code Section 84203 (1 count); and failed to identify a contribution's correct recipient on a major donor campaign statement, in violation of Government Code Section 84211 (1 count). **Total Proposed Penalty: \$700.**

[In the Matter of Eddie Block for Madera County Supervisor District 4 2020 and Eddie Block; FPPC No. 20/121.](#) Staff: Angela Brereton, Chief of Enforcement and Ginny Lambing, Political Reform Consultant. Eddie Block was an unsuccessful candidate for Madera County Supervisor in the March 3, 2020 Primary Election. Eddie Block for Madera County Supervisor District 4 2020 was his candidate-controlled committee. The Committee and Block failed to timely file two pre-election campaign statements, in violation of Government Code Section 84200.5 (2 counts). **Total Proposed Penalty: \$417.**

[In the Matter of Redondo Beach Chamber of Commerce Candidates PAC, Brett Henry, and Michael Jackson; FPPC No. 17/87.](#) Staff: Christopher Burton, Senior Commission Counsel and Lance Hachigian, Special Investigator. The respondents were represented by Thomas W. Hiltachk of Bell, McAndrews & Hiltachk, LLP. Redondo Beach Chamber of Commerce Candidates PAC was a sponsored local general purpose committee. Brett Henry was the Committee's treasurer and Michael Jackson was the Committee's principal officer. The Committee, Henry, and Jackson failed to accurately report contributions on a semiannual campaign statement, in violation of Government Code Section 84211 (1 count); and failed to timely identify the Committee as sponsored on its statement of organization, in violation of Government Code Section 84102 (1 count). **Total Proposed Penalty: \$229.**

Lobbying

[In the Matter of Enterprise Community Partners; FPPC No. 20/427.](#) Staff: Angela Brereton, Chief of Enforcement and Ginny Lambing, Political Reform Consultant. Enterprise Community Partners, a lobbyist employer, failed to timely file three lobbyist employer quarterly reports, in violation of Government Code Section 86117 (3 counts). **Total Proposed Penalty: \$616.**

Statement of Economic Interests Late Filer

[In the Matter of Charles Lamond; FPPC No. 19/1612.](#) Staff: Angela Brereton, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Charles Lamond, as a Senior Right of Way Agent for the Department of Transportation, failed to timely file an Assuming Office and 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$400.**

[In the Matter of Ana Maria Jara; FPPC No. 20/727.](#) Staff: Angela Brereton, Chief of Enforcement and Chloe Hackert, Political Reform Consultant. Ana Maria Jara, as a member of the Santa Monica City Council, failed to timely file a 2019 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**

[In the Matter of Marian Woo; FPPC No. 19/1619.](#) Staff: Angela Brereton, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Marian Woo, a Staff

Services Manager II for the Department of Transportation, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count).

Total Proposed Penalty: \$200.

In the Matter of Terence O’Day; FPPC No. 20/726. Staff: Angela Brereton, Chief of Enforcement, and Chloe Hackert, Political Reform Consultant. Terence O’Day, as a member of the Santa Monica City Council, failed to timely file a 2019 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**

In the Matter of Jennifer Reiter-Cook; FPPC No. 19/098. Staff: Angela Brereton, Chief of Enforcement and Shaina Elkin, Staff Services Analyst. Jennifer Reiter-Cook, as a Board Member for Leonardo da Vinci Health Sciences Charter School in San Diego County, failed to timely file a 2017 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

In the Matter of Leonora Gershman Pitts; FPPC No. 19/1206. Staff: Angela Brereton, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Leonora Gershman Pitts, a Rent Adjustment Commission Member for the Housing and Community Investment Department, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

In the Matter of Gordon Schremp; FPPC No. 20/725. Staff: Angela Brereton, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Gordon Schremp, a Senior Fuels Specialist for the California Energy Commission, failed to timely file a 2019 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

In the Matter of Rolando Castro; FPPC No. 20/687. Staff: Angela Brereton, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Rolando Castro, a Board Member for the Fresno Council of Governments, Fresno Regional Transportation Mitigation Fee Agency, and Fresno Rural Transit Agency, failed to timely file a 2019 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

In the Matter of Allen Evans; FPPC No. 19/735. Staff: Angela Brereton, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Allen Evans, a Consultant for the City of Moreno Valley, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

In the Matter of Ted Johnson; FPPC No. 19/1176. Staff: Angela Brereton, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Ted Johnson, a Board Member for the California Date Commission, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$200.**

Statement of Economic Interests Late Reporter

In the Matter of Skylar Moon; FPPC No. 19/1774. Staff: Bridgette Castillo, Senior Commission Counsel. Skylar Moon, as a member of the Nevada City Planning Commission, failed to timely report two sources of income on his Assuming Office Statement of Economic Interests, in violation of Government Code Section 87207 (2 counts). **Total Proposed Penalty: \$200.**

II. LEGAL DIVISION

STAFF: DAVID BAINBRIDGE, GENERAL COUNSEL

A. Pending Litigation

California State Association of Counties and California School Boards Association v. FPPC
County of Los Angeles Superior Court, Central District
Case No. BS174653

On September 11, 2018, petitioners served a first amended petition for writ of mandate and complaint for declaratory relief. Petitioners allege that Regulations 18420.1 and 18901.1 are invalid as a matter of law, that the Commission has exceeded its jurisdiction in adopting these Regulations, and that the Regulations are unenforceable.

On March 29, 2019, the Commission's Motion for Judgment on the Pleadings was granted with leave to amend. The court vacated all hearing dates and set a new trial setting conference. Plaintiffs timely filed a second amended complaint on June 27, 2019.

The Commission filed a demurrer and the hearing occurred on November 22, 2019. In its ruling, the court: (1) sustained the demurrer to the first cause of action without leave to amend; (2) sustained the demurrer with leave to amend on plaintiff CSBA's standing on all cause of action and plaintiff CSAC's standing on all causes of actions challenging Regulation 18901.1; and (3) overruled the remaining grounds for demurrer.

Plaintiffs filed a third amended complaint and the Commission has filed an answer. The trial was held on **November 6, 2020**. The Court had not issued a decision as of the time of this report.

Mat Wahlstrom v. California Fair Political Practices Commission and Steven J. Kaufman
San Diego County Superior Court, Central Division
Case No. 37-2020-00030654-CU-WM-CTL

Petitioner filed a petition for writ of mandate on August 31, 2020. The petition seeks to set aside a streamline stipulation, decision and order against Todd Gloria adopted by the Commission in November 2019. The Attorney General is representing the Commission. The Commission filed an answer to the complaint on October 22, 2020.

B. Outreach and Training

Webinars

- October 2nd, Staff Services Manager, Alana Jeydel, participated in a webinar that the FPPC co-hosted with the Institute for Local Government, on “Campaigning During COVID: Practical Solutions for Fielding an Election & Running a Campaign During COVID.” 86 people attended the webinar. A video of the event can be accessed here: <https://www.ca-ilg.org/covid2020election>.
- October 7th, Staff Services Manager, Alana Jeydel, and Political Reform Consultant, Adam Ramirez, conducted an FPPC hosted Candidate/Treasurer webinar. Thirteen people attended.

Scheduled Webinars

- November 17th, the FPPC is hosting a Statement of Economic Interests Filing Officer webinar.
- November 19th, the FPPC is hosting a Statement of Economic Interest Filers webinar.
- December 8th, the FPPC is hosting a Statement of Economic Interest Filers webinar.
- December 10th, the FPPC is hosting a Statement of Economic Interests Filing Officer webinar.
- January 12th, the FPPC is hosting a Statement of Economic Interest Filers webinar.
- January 14th, the FPPC is hosting a Statement of Economic Interests Filing Officer webinar.
- January 26th, the FPPC is conducting an SEI Filer webinar for the Port of San Diego

Video Tutorials

- Commission video tutorials were accessed a total of 430 times in October. Form 700 videos were accessed 193 times, the Candidate/Treasurer video was accessed 176 times, and the filing officer videos were accessed 61 times.

C. Advice

The October 2020, Advice Letter Report is available at <http://fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/advice-letter-reports/2020/Advice%20Letter%20Report%20October%202020.pdf>

In October, the Legal Division responded to the following requests for advice:

- **Education Program:** The Education Program responded to 899 requests for technical assistance via phone.
- **Requests for Advice:** The Email Advice and Conflict of Interest Code Program and Legal Division attorneys collectively responded to more than 1,078 e-mail and telephone requests for advice, 90 of which were not responded to within 24 hours.
- **Advice Letters:** The Legal Division received 11 advice letter requests under the Political Reform Act and completed 10.
- **Section 1090 Letters:** The Legal Division received one advice letter request concerning Section 1090 and completed 3. This year to date, we have received 35 advice requests regarding Section 1090.

D. Miscellaneous Decisions

None to report.

E. Potential Upcoming Regulations

December 17th, 2020

- **Streamline and Warning Letter Programs.** (Regulations 18360.1, 18360.2, and 18360.3. Proposed expansion and adjustment to the Commission's Streamline Settlement and Warning Letter Programs in response to the Commission's request to review the programs after initial implementation over a year ago. (Adoption.)
- **Local Contribution Limits.** (Amending Regulations 18404.1, 18421.4, 18421.8, 18521, 18521.5, 18523.1, 18530.2, 18530.8, 18531.2, 18531.5, 18531.61, 18535, 18536, 18537.1, 18545, and 18951; and adopting new regulations). Update existing regulations and adopt new regulations in response to Assembly Bill 571 (2019), which imposes campaign contribution limits on county and city elected offices if a jurisdiction has not adopted its own limit. The legislation also authorizes the Commission to enforce local contribution limits imposed by state law. (Prenotice Discussion.)

F. Conflict of Interest Codes

Adoptions and Amendments

State Agency Conflict of Interest Codes

- None to report.

Multi-County Agency Conflict of Interest Codes

- None to Report.

Exemptions

- Statewide Commission on Recycling Markets and Curbside Recycling.

Extensions

- None to report.

G. Probable Cause Hearings

- None to report.

III. ADMINISTRATION & TECHNOLOGY DIVISION

STAFF: LORESSA HON, CHIEF OF ADMINISTRATION

New Employee Report

Phillip Ung, Staff Services Manager I (assignment to be determined)

Enforcement Division

Angela Brereton, Chief of Enforcement (Promotion)

Statement of Economic Interest (Form 700)

As of November 6, 2020, there were 284 Form 700 non-filers. The Statement of Economic Interest Unit has made 140 non-filer referrals to the Enforcement Division.