



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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EXECUTIVE STAFF REPORTS

October 15, 2020 Commission Hearing

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I. ENFORCEMENT DIVISION

STAFF: GALENA WEST, CHIEF OF ENFORCEMENT

I. Overview

During the period of September 1, 2020 through September 30, 2020 the Enforcement Division received 211 complaints, opened 36 for investigation, and rejected 93. The Enforcement Division received 349 referrals during this time. The Enforcement Division closed a total of 148 cases including:

- 54 warning letters – advertisement violations (1), campaign violations (12), lobbying violations (5), and statement of economic interests violations (36);
- 31 no action closure letters alleging – advertisement violations (2), campaign violations (4), lobbying violations (1), and statement of economic interests violations (24);
- 2 advisory letters for a conflict of interest violation and an advertisement violation;
- 59 approved stipulations from the August and September Commission meetings;
- 1 default from the April Commission meeting; and
- 1 committee was administratively terminated.

The Division had 1,365 cases in various stages of resolution at the time of the September Monthly Report and currently has approximately 1,312 cases in various stages of resolution, including the 21 cases before the Commission as listed in the October 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.

Campaign Late Filer/Late Reporter

In the Matter of Friends to Re-Elect Sandra Moss for Compton Unified School District 2020, Sandra Moss, and Travon Moss; FPPC No. 20/136. Staff: Galena West, Chief of Enforcement and Dominika Wojenska, Associate Governmental Program Analyst. Sandra F. Moss was a successful candidate for Compton Unified School District Board in the March 3, 2020 Primary Election. Re-Elect Sandra Moss for Compton Unified School District 2020 is her candidate-controlled committee. Travon Moss is the Committee's treasurer. The Committee, Moss, and Moss failed to timely file a pre-election campaign statement, in violation of Government Code Section 84200.5 (1 count) and failed to timely file a 24-Hour Report, in violation of Government Code Section 84203 (1 count). The Committee, Moss, and Moss also failed to timely report campaign activity on a pre-election campaign statement, in violation of Government Code Section 84211 (1 count). **Total Proposed Penalty: \$910.**

In the Matter of Fresno County Young Democrats and Arthur Montejano; FPPC No. 20/571. Staff: Galena West, Chief of Enforcement and Ginny Lambing, Political Reform Consultant. The respondents were represented by Amber Maltbie of Nossaman LLP. Fresno County Young Democrats is a state general purpose committee. Arthur Montejano is the Committee's treasurer. The Committee and Montejano failed to timely file a pre-election campaign statement, in violation of Government Code Section 84200.5 (1 count). **Total Proposed Penalty: \$535.**

In the Matter of Samson for State Senate 2018, Jestin L. Samson, and Michael Booth; FPPC No. 18/646. Staff: Galena West, Chief of Enforcement and Dominika Wojenska, Associate Governmental Program Analyst. Jestin L. Samson was an unsuccessful candidate for State Senate in the June 5, 2018 Primary Election. Samson for State Senate 2018 is his candidate-controlled committee. Michael Booth is the Committee's treasurer. The Committee, Samson, and Booth failed to timely file a pre-election campaign statement, in violation of Government Code Section 84200.5 (1 count) and failed to timely file a semiannual campaign statement, in violation of Government Code Section 84200 (1 count). **Total Proposed Penalty: \$415.**

Statement of Economic Interests Late Filer

In the Matter of Neha Nayyar; FPPC No. 19/743. Staff: Galena West, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Neha Nayyar, a Staff Psychiatrist for California Correctional Health Care Services, failed to timely file a 2017 and 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$400.**

In the Matter of Timothy Elliott; FPPC No. 20/574. Staff: Galena West, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Timothy Elliott, a Community Housing Program Manager for the Housing and Community Investment Department of Los Angeles, failed to timely file a 2017 Annual and 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (2 counts). **Total Proposed Penalty: \$400.**

In the Matter of Steven Neal; FPPC No. 17/397. Staff: Jenna C. Rinehart, Commission Counsel. Steven Neal, a Commissioner for the Transactions Use Tax Citizens' Advisory Committee, failed to timely file a 2016 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Proposed Penalty: \$400.**

In the Matter of Richard Hernandez; FPPC No. 19/1404. Staff: Galena West, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Richard Hernandez, a Planning Commissioner for the City of Half Moon Bay, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$400.**

In the Matter of Trinh Nguyen; FPPC No. 19/1585. Staff: Galena West, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Trinh Nguyen, a Planning Commissioner for the City of Pittsburg, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87202 (1 count). **Total Proposed Penalty: \$400.**

In the Matter of Jessica Jackson Sloan; FPPC No. 19/1438. Staff: Galena West, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Jessica Jackson Sloan, a City Council Member for Mill Valley, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Proposed Penalty: \$200.**

In the Matter of Christopher Ormsby; FPPC No. 20/539. Staff: Galena West, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Christopher Ormsby, a Senior Planner for the Community Development Department of Moreno Valley, 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 Angie Wagner; FPPC No. 19/924. Staff: Galena West, Chief of Enforcement and Tara Stock, Intake Manager. Angie Wagner, a Board Member for the Buckeye Fire Protection District, 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 Willard Sheffie; FPPC No. 19/1208. Staff: Galena West, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Willard Sheffie, a Safe Neighborhoods Division Administrative Coordinator for the Office of the Los Angeles City Attorney, 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 Larry Andrade; FPPC No. 19/1432. Staff: Galena West, Chief of Enforcement and Amber Burnside, Assistant Political Reform Consultant. Larry Andrade, a Planning Commissioner for the City of Los Alamitos, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count).
Total Proposed Penalty: \$200.

In the Matter of Tanya DeLong; FPPC No.19/937. Staff: Galena West, Chief of Enforcement and Kimberly Rawnsley, Staff Services Analyst. Tanya DeLong, a Board Member with MindSET Charter Schools, Inc for the County of San Diego, failed to timely file a 2018 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (1 count).
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
Los Angeles County 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.

Petitioners filed a third amended complaint and the Commission has filed an answer. The parties are submitting pretrial briefs. Trial is set for **November 6, 2020**, at 9:30 a.m. in Dept. 86.

Mat Wahlstrom v. FPPC, Steven J. Kaufman and Kaufman Legal Group, APC
San Diego County Superior Court, Central Division
Case No. 37-2020-00030654-CU-WMCTL

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 deadline to file a responsive pleading is October 22, 2020.

B. Outreach and Training

Webinars

- September 10th, the FPPC hosted a Candidate/Treasurer webinar. Political Reform Consultant, Adam Ramirez, and Political Reform Consultant, Katie Trumbly, led the webinar. Twenty-six people attended.
- September 23rd, General Counsel Dave Bainbridge presented at a workshop hosted by the Association of California Water Agencies as part of its annual conference. The topic of the workshop was Government Code section 1090 and conflict of interests under the Act. The presentation included a discussion of advice, information, and training provided by the FPPC to public officials.
- September 25th, General Counsel Dave Bainbridge participated in a presentation for the California Special District Association's annual conference regarding Government Code section 1090 and the role the FPPC plays in enforcing and advising on Section 1090.

Upcoming Webinars

- October 2nd, Staff Services Manager, Alana Jeydel, will participate in a webinar that the FPPC is co-hosting with the Institute for Local Government, on "Campaigning During COVID: Practical Solutions for Fielding an Election & Running a Campaign During COVID."
- October 7th, the FPPC is hosting a Candidate/Treasurer webinar.
- 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.
- Jan 12th, the FPPC is hosting a Statement of Economic Interest Filers webinar.
- Jan 14th, the FPPC is hosting a Statement of Economic Interests Filing Officer webinar.

Video Tutorials: Commission video tutorials were accessed a total of 537 times in September. Form 700 videos were accessed 223 times, the Candidate/Treasurer video was accessed 255 times, and the filing officer videos were accessed 59 times.

C. Advice

The September 2020, Advice Letter Report is available at <http://www.fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports.html>.

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

- **Education Program:** The Education Program responded to 1,310 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 1,422 e-mail and telephone requests for advice, 177 of which were not responded to within 24 hours.
- **Advice Letters:** The Legal Division received six advice letter requests under the Political Reform Act and completed nine.
- **Section 1090 Letters:** The Legal Division received four advice letter requests concerning Section 1090 and completed four. This year to date, we have received 33 advice requests regarding Section 1090.

D. Miscellaneous Decisions

None

E. Potential Upcoming Regulations

November 19th, 2020

- Statement of Economic Interests (Regulations 18110, 18115, 18735, and 18754): Amend existing regulations regarding the filing of Statements of Economic Interests in light of issues resulting from the significant increase in the use of electronic filing. Also, consider a new regulation governing the filing of a single statement by an official with multiple positions. (Adoption.)
- Cost of Living Adjustment. Biennial cost of living adjustment to Contribution Limits, Voluntary Expenditure Ceilings, and the Gift Limit under Sections 83124, 85316(b)(4), and 89503(f). (Adoption.)

December 17th, 2020

- Permissible Campaign Expenditures (New regulation): Provide guidance on whether an expenditure of campaign funds has a sufficient political, legislative, or governmental

purpose under Article 4 of the Act. Provisions may include specific items previously addressed through the advice or opinion process, and/or generally applicable guidelines. Provisions may also consider a presumption of personal use in instances of cash expenditures of campaign funds without adequate records. (Pre-notice.)

- 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.)

F. Conflict of Interest Codes

Adoptions and Amendments

State Agency Conflict of Interest Codes

- None

Multi-County Agency Conflict of Interest Codes

- None

Exemptions

- None

Extensions

- CA Actuarial Advisory Panel

G. Probable Cause Hearings

None

III. ADMINISTRATION & TECHNOLOGY DIVISION

STAFF: LORESSA HON, CHIEF OF ADMINISTRATION