



EXECUTIVE STAFF REPORTS

June 13, 2024, Commission Hearing

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I. ENFORCEMENT DIVISION

STAFF: JAMES M. LINDSAY, CHIEF OF ENFORCEMENT

A. Overview

During the period of May 1, 2024, through May 31, 2024, the Enforcement Division received the following complaints and referrals:

	Sworn	Non-Sworn	Anonymous	Referrals
Number Received	20	5	27	143

The number of complaints and referrals received by the Enforcement Division in May was similar to previous months in 2024.

For the month of May, more time to respond beyond the 14-day statutory period was needed for approximately 5¹ sworn complaints. Generally, additional time to respond was utilized in order to give respondents more time to respond to inquiries when it was requested.

Additionally, for the month of May, the Enforcement Division opened 89 cases, rejected 130 complaints and referrals, and closed a total of 100 cases including:

- 36 warning letters – advertisement violations (4), campaign violations (6), conflict of interests (2), and statement of economic interests violations (24);
- 20 no action closure letters: PREP completed – statement of economic interests violations;
- 20 no action closure letters alleging –campaign violations (6), conflict of interests (4), and statement of economic interests violations (10);
- 13 approved stipulations from the May Commission meeting;
- 10 committees were administratively terminated;
- 1 advisory letter.

The Division had a total of 928 cases in various stages of resolution at the time of the May Monthly Report and currently has approximately 917 cases in various stages of resolution, including the 13 streamline cases and 1 default case before the Commission as listed in the June Agenda. Net case closures since the last monthly report totaled 6.

¹ This figure includes 2 sworn complaints received in April 2024.

B. Annual Statistics

The following is a chart that details the annual statistics for enforcement complaints, referrals and cases over the past five years. The statistics show a marked increase in complaints during election years while referrals have generally increased gradually over time.

	Year	2019	2020	2021	2022	2023
1	Complaints Received	744	1,390	606	1,379	653
2	Referrals Received	1,950	1,518	1,751	1,724	1,971
3	Total Complaint and Referrals Received	2,694	2,908	2,357	3,103	2,624
4	Cases opened	1,820	1,155	1,185	990	831
5	Cases closed ³	1,465	1,526	1,058	1,075	1,295
6	Cases with penalties ²	343	278	269	161	98
	a Streamline cases	263	194	234	142	55
	b Mainline cases	73	77	32	14	11
	c Default cases	7	7	3	5	1
7	Total fines imposed	\$797,384	\$1,940,107	\$472,248	\$617,548	\$376,531
8	Warning letters issued	584	777	475	681	813
9	Administrative terminations	104	62	59	53	87
10	Cases closed with violations found ³	1,031	1,117	803	895	998
11	Advisory letters issued	9	7	16	8	15
12	No action closure letters	423	402	237	217	296
	a PREP Completed	--	--	--	39	86

² Total for lines 6a, 6b, and 6c.

³ Total for lines 6, 8, and 9.

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

C. 2022-2023 Quarterly Caseload Summary

The following is a chart that compares the number of cases from given years at the end of each quarter during 2023. Enforcement has successfully focused on the resolution of older cases.

	June 2023	September 2023	December 2023	March 2024	June 2024	Difference in Existing Caseload Overall
2017	2	2	1	0	0	-2
2018	56	34	21	12	8	-48
2019	125	69	39	23	22	-103
2020	234	201	153	118	103	-131
2021	298	232	167	148	124	-174
2022	329	307	248	213	191	-138
2023	220	295	323	276	260	+40

D. Presentations

None to report.

E. 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 the Chief's discretion per Regulation 18360.2.

Since the last Monthly Report, the Enforcement Chief has not used discretion to increase the penalties for Tier Two advertising violations resulting in public confusion, under Regulation 18360.3(d)(7)(B)(i)(b), or to increase the penalties for Tier Two violations involving the same candidate, committee, or principal officer who has paid a Tier One penalty to the Commission or received a Warning Letter from the Commission for the same type of violation occurring within the last five years, based on the resulting public harm.

The Enforcement Chief used discretion under Regulations 18360.1 and 18360.3 to exclude violations in the following streamline cases presented with this report:

- In the Matter of Henry Jones for CalPERS Board 2019 and Henry Jones; FPPC No. 21/020 [The Chief of Enforcement may include or exclude any filer from receiving a streamline penalty based upon mitigating or aggravating circumstances and the totality of the circumstances, including situations where an exclusion may apply.]

Lobbying Reporting

[In the Matter of New Livable California; FPPC No. 20/392.](#) Staff: Marissa Corona Commission Counsel. New Livable California, a lobbyist employer, failed to timely file four lobbyist employer quarterly reports, in violation of Government Code Section 86116 (4 counts). **Total Penalty \$2,764 (Tiers One & Two).**

[In the Matter of United Cannabis Business Association; FPPC No. 23/797.](#) Staff: Chance Felkins, Commission Counsel. United Cannabis Business Association, a lobbying employer, failed to timely disclose lobbying activity on two quarterly lobbyist employer reports, in violation of Government Code Section 86116 (2 counts). **Total Penalty: \$251 (Tier One).**

Campaign Late Reporter

[In the Matter of Salinas Valley Leadership Group, and Chris Steinbruner; FPPC No. 24/337.](#) Staff: Jaleena Evans, Commission Counsel. Salinas Valley Leadership Group was represented by Andrew Werbrock of Olson Remcho, LLP. Salinas Valley Leadership Group is a local general purpose committee that supports local candidates. Chris Steinbruner serves as the Committee's treasurer. The Committee and Steinbruner failed to timely file a pre-election campaign statement, a 24-Hour Report, and failed to report a non-monetary contribution and expenditure on a semi-annual campaign statement, in violation of Government Code Sections 84200.5, 84203, and 84211 (3 counts). **Total Penalty: \$670 (Tier One).**

Campaign Late Filer

[In the Matter of David Wiener and the Survivor's Trust Under the Wiener Family; FPPC 21/1071.](#) Staff: Cinthya Bernabé, Commission Counsel and Kaitlin Osborn, Special Investigator. The Respondents were represented by Michael A. Farr of Reed & Davidson, LLP. David Wiener and the Survivor's Trust Under the Wiener Family, a major donor committee for the calendar years 2018 and 2020, failed to timely file thirteen 24-Hour Reports and four semi-annual campaign statements, in violation of Government Code Sections 84203 and 84200(b). **Total Penalty: \$10,000 (Tiers One & Two).**

[In the Matter of David Bramante for Governor 2021, David Bramante, and Kayla Bramante; FPPC No. 21/805.](#) Staff: Chance Felkins, Commission Counsel. David Bramante was an unsuccessful candidate for Governor of the State of California in the state gubernatorial recall election on September 14, 2021. David Bramante for Governor 2021 was David Bramante's state candidate-controlled committee. Kayla Bramante served as the Committee's treasurer. The Committee, David Bramante, and Kayla Bramante failed to timely file two pre-election campaign statements, in violation of Government Code Section 84200.5 (2 counts). **Total Penalty: \$998 (Tier One).**

In the Matter of Henry Jones for CalPERS Board 2019 and Henry Jones; FPPC No. 21/020. Staff: Bridgette Castillo, Senior Commission Counsel. This matter arose from an audit performed by the Audit Division of the Fair Political Practices Commission. The respondent was represented by Joseph Guardarrama with Kaufman Legal Group. Henry Jones for CalPERS Board 2019 was Jones' state candidate-controlled committee. Jones was a member of the CalPERS Board until 2022. The Committee and Jones failed to timely file four 24-Hour Reports, in violation of Government Code Section 84203 (4 counts). **Total Penalty: \$984 (Tier One).**

In the Matter of Erika Simmons, Dr. Erika Simmons for School Board School Board, Alpine (Year 2022), Sarah Reimund; FPPC No. 23/123. Staff: Jaleena Evans, Commission Counsel. Erika Simmons was an unsuccessful candidate for the Alpine Union School District Board in the November 8, 2022 General Election. Dr. Erika Simmons for School Board School Board, Alpine (Year 2022) was Simmons' candidate-controlled committee. Sarah Reimund served as the Committee's treasurer. The Committee and Simmons failed to timely file two 24-Hour Reports, in violation of Government Code Section 84203 (2 Counts). **Total Penalty: \$687 (Tiers One & Two).**

In the Matter of Yes on El Cajon Measure P – A Committee in Support of Measure P, Briana Baleskie; FPPC No. 22/769. Staff: Jaleena Evans, Commission Counsel. Yes on El Cajon Measure P – A Committee in Support of Measure P was a primarily formed committee to support Measure P, a ballot measure in the November 8, 2022 General Election. Briana Baleskie served as the Committee's treasurer. The Committee failed to timely file a 24-Hour Report, in violation of Government Code Section 84203 (1 Count). **Total Penalty: \$300 (Tier 1).**

In the Matter of Jenny Kassan for Fremont City Council District 3 2022, Jenny Kassan, and Vinnie Bacon; FPPC No. 22/808. Staff: Jonathan Rivera, Commission Counsel. Jenny Kassan was a successful candidate for Fremont City Council District 3 in the November 8, 2022 General Election. Jenny Kassan for Fremont City Council District 3 was Kassan's local candidate-controlled committee. Vinnie Bacon served as the Committee's treasurer. The Committee, Kassan, and Bacon failed to timely file one 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Total Penalty: \$270 (Tier One).**

In the Yes on Measure L and Varinder Bains; FPPC No. 20/835. Staff: Marissa Corona, Commission Counsel and Roone Peterson, Special Investigator. Yes on Measure L was a primarily formed committee supporting Measure L, a ballot measure in the November 3, 2020 General Election. Varinder Bains served as the Committee's treasurer. The Committee and Bains failed to timely file one 24-Hour Report, in violation of Government Code Section 84203 (1 count). **Total Penalty: \$260 (Tier One).**

Statement of Economic Interests Late Filer

In the Matter of Ruby Arias; FPPC No. 24/360. Staff: James M. Lindsay, Chief of Enforcement and Amber Rodriguez, Staff Services Analyst. Ruby Arias, an Alternate Board Member for Schools Insurance Group Northern Alliance I, failed to timely file an Assuming Office Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$400 (Tier One).**

In the Matter of Brett McLarney; FPPC No. 24/418. Staff: James M. Lindsay, Chief of Enforcement and Fela Williams, Staff Services Analyst. Brett McLarney, a Measure H 2014 Oversight Committee Member with the Santa Clara Unified School District, failed to timely file the 2022 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$400 (Tier 1).**

In the Matter of Gary Cooper; FPPC No. 21/841. Staff: James M. Lindsay, Chief of Enforcement, and Taylor Culberson, Staff Services Analyst. Gary Cooper, Board Member of Diamond Springs El Dorado Fire Protection District, failed to timely file the 2020 Annual Statement of Economic Interests, in violation of Government Code Section 87300 (1 count). **Total Penalty: \$200 (Tier One).**

II. AUDIT DIVISION

STAFF: SHRDHA SHAH, CHIEF OF AUDITS

Audits are conducted per Government Code sections 90000 - 90008 of the Political Reform Act (the Act). The Act requires full disclosure of receipts and expenditures of candidates and committees and disclosure of the finances of lobbyists. The purpose of the audits is to determine the level of compliance of the auditees with the Act. The opinions expressed in the audit report reflect the level of compliance with the Act. The FPPC is not responsible for the contents of the candidate's documents. Audit reports are then submitted to the Enforcement Division for further review.

A. Overview

The audit reports prepared by the FPPC summarize findings with respect to the filer's conformity with the disclosure and recordkeeping requirements of the Political Reform Act. Copies of audit reports are always sent to the auditees and those included in the audit report (such as the prior treasurer, current treasurer, and/or their representatives). These reports are public documents.

B. Current Period Updates

During the period of May 1, 2024 to May 31, 2024, the Audits and Assistance Division adopted 1 audit report, with no findings. Currently, the team has 32 audits in progress at various stages, including fieldwork, post-fieldwork, and quality review.

Details of the audit report adopted during the period are as follows:

1. Dan Flores for Supervisor 2020 (ID# 1387074)

- No findings noted

III. LEGAL DIVISION

STAFF: DAVE BAINBRIDGE, GENERAL COUNSEL

A. Pending Litigation

None

B. Outreach and Training

Webinars & Workshops

- May 9, General Counsel Dave Bainbridge participated in a panel at the Association of California Water Agencies annual conference concerning the Levine Act (Section 84308). Approximately 55 people attended.
- May 9, the FPPC presented a Section 84308 (Levine Act) webinar. Commission Counsel, Toren Lewis, and Education & External Affairs Unit Manager, Chloe Hackert, presented. 80 people attended.
- May 14, General Counsel Dave Bainbridge participated in a panel hosted by the Practising Law Institute for government contractors about compliance with California's Political Reform Act.
- May 16, the FPPC presented a Candidate/Treasurer webinar cohosted with the City of Beaumont. Political Reform Consultants, Adam Ramirez and Stephen Hernandez, presented. 20 people attended.
- May 23, the FPPC presented a Candidate/Treasurer webinar. Political Reform Consultants, Katie Trumbly and Adam Ramirez, presented. 43 people attended.

Scheduled Webinars

- June 11, the FPPC is presenting a Campaign Filing Officer webinar

Video Tutorials: Commission video tutorials were accessed a total of 497 times in May. Form 700 videos were accessed 267 times, the Candidate/Treasurer video was accessed 166 times, and the filing officer videos were accessed 64 times.

C. New and Updated Educational Resources

None

D. Political Reform Education Program (PREP):

In May, PREP received 15 referrals for the Statement of Economic Interests course. During this time, 19 learners completed PREP, 1 learner failed to complete PREP, and 32 learners are enrolled but have not yet completed the course.

E. Advice

The [May Advice Letter Report](https://www.fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports/2024-advice-letter-reports.html) is available on the FPPC website at <https://www.fppc.ca.gov/advice/advice-opinion-search/advice-letter-reports/2024-advice-letter-reports.html>.

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

- **Education:** The Education unit responded to 345 requests for technical assistance via telephone.
- **Requests for Advice:** Political Reform Consultants and Legal Division attorneys collectively responded to 540 email requests for advice, 184 of which were not responded to within 24 hours and 98 of those were not responded to within 48 hours.
- **Advice Letters:** The Legal Division received 17 advice letter requests under the Political Reform Act and completed 10.
- **Section 1090 Letters:** The Legal Division received 5 advice letter request concerning Section 1090 and completed 6.

F. Miscellaneous Decisions

None

G. Upcoming Regulation Projects

August

Transfers to interest-bearing accounts – Amend existing regulation concerning committee bank accounts to explicitly permit general purpose committees and political party committees to transfer “all purpose” funds to an interest-bearing account so long as the funds are transferred back to the “all purpose” account before the committee spends the funds. (Pre-notice)

Audits by the FPPC – Clarify in regulation that certain requirements and provisions applicable to the Franchise Tax Board when conducting audits under the Political Reform Act also apply to the FPPC in the conduct of audits. This proposal would also bring back a prior regulatory provision which permitted the FPPC to exclude from audit draws jurisdictions where its candidates were already subject to audit by the FPPC or a local agency. (Adoption)

September

Conflict of Interest – public generally exception – Amend current regulation to add a specific public generally exception for members of districts primarily responsible for the management of airport, harbor, or similar publicly available infrastructure, if the member has a permit or lease for use of the facilities and the decision will affect all existing permit or lease holders in a similar manner without a unique effect on the board member. (Pre-notice)

Levine Act updates – Various updates to Levine Act (84308) regulations adopted in 2023. (Pre-notice)

October

Transfers to interest-bearing accounts – Amend existing regulation concerning committee bank accounts to explicitly permit general purpose committees and political party committees to transfer “all purpose” funds to an interest-bearing account so long as the funds are transferred back to the “all purpose” account before the committee spends the funds. (Adoption)

November

COLA - Amend various regulations to reflect biennial cost of living adjustments required by statute. (Adoption)

Conflict of Interest – public generally exception – Amend current regulation to add a specific public generally exception for members of districts primarily responsible for the management of airport, harbor, or similar publicly available infrastructure, if the member has a permit or lease for use of the facilities and the decision will affect all existing permit or lease holders in a similar manner without a unique effect on the board member. (Adoption)

Levine Act updates – Various updates to Levine Act (84308) regulations adopted in 2023. (Adoption)

For more information on these and other regulation projects planned for 2024, go to <https://www.fppc.ca.gov/the-law/fppc-regulations.html>.

H. Conflict of Interest Codes

Adoptions and Amendments

State Agencies

- California Cradle-to-Career Data System
- Department of State Hospitals
- Office of Environmental Health Hazard Assessment
- The Office of the State Treasurer

Multi-County Agencies

- Central Sierra Child Support Agency
- Sage Oak Charter Schools
- Southern California Regional Rail Authority
- Le Grand-Athone Water District
- Inland Empire Regional Composting Authority

Exemptions

None

Extensions

None

I. Probable Cause Proceedings

Probable cause proceedings are conducted per Government Code section 83115.5. A finding of probable cause exists when the evidence supports a reasonable belief or strong suspicion that a violation occurred, but does not constitute a finding a violation occurred. Respondents are presumed innocent of any violation of the Act until a violation is proven in a subsequent proceeding.

In the Matter of Kandi Thompson, Case No. 22/686. On May 17, 2024, probable cause was found, after hearing, that Respondent committed the following violations of the Act:

Count 1: Thompson failed to timely file her 2018 Annual SEI by the April 2, 2019 due date, in violation of Government Code Section 87300. The due date was April 2, 2019 because April 1, 2019 was a state holiday (Cesar Chavez Day, observed).

Count 2: Thompson failed to timely file her 2021 Annual SEI by the April 1, 2022 due date, in violation of Government Code Section 87300.

Count 3: Thompson failed to timely file her Leaving Office SEI by the January 9, 2023 due date, in violation of Government Code Section 87300. Williams failed to timely file his Assuming Office SEI by the June 22, 2020 due date, in violation of Government Code Section 87300.

In the Matter of Miguel Magallanes, Case No. 23/211. On May 23, 2024, probable cause was found, on the papers, that Respondent committed the following violations of the Act:

Count 1: Magallanes failed to timely file his 2020 Annual SEI by the April 1, 2021 due date, in violation of Government Code Section 87300.

Count 2: Magallanes failed to timely file his 2021 Annual SEI by the April 1, 2022 due date, in violation of Government Code Section 87300.

Count 3: Magallanes failed to timely file his 2022 Annual SEI by the April 3, 2023 due date, in violation of Government Code Section 87300.

In the Matter of David Fennell for State Senate 2024 and David Fennell, Case No. 24/205. On May 2, 2024, probable cause was found, on the papers, to believe Respondents committed the following violations of the Act:

Count 1: The Committee and Fennell failed to timely file an amendment to the statement of organization with the Secretary of State to disclose the Committee's date of qualification of December 1, 2023, by the December 11, 2023 due date, in violation of Government Code Sections 84101 and 84103.

- Count 2: The Committee and Fennell failed to timely file an amendment to the statement of organization with the County to disclose the Committee's date of qualification of December 1, 2023, by the December 11, 2023 due date, in violation of Government Code Sections 84101 and 84103.
- Count 3: The Committee and Fennell failed to timely file a semi-annual campaign statement with the Secretary of State for the reporting period of January 1, 2023 to December 31, 2023, by the January 31, 2024 due date, in violation of Government Code Sections 84200 and 84215.
- Count 4: The Committee and Fennell failed to timely file a semi-annual campaign statement with the County for the reporting period of January 1, 2023 to December 31, 2023, by the January 31, 2024 due date, in violation of Government Code Sections 84200 and 84215.
- Count 5: The Committee and Fennell failed to timely file a pre-election campaign statement with the Secretary of State for the reporting period of January 1, 2024 to January 20, 2024, by the January 25, 2024 due date, in violation of Government Code Sections 84200.5 and 84215.
- Count 6: The Committee and Fennell failed to timely file a pre-election campaign statement with the County for the reporting period of January 1, 2024 to January 20, 2024, by the January 25, 2024 due date, in violation of Government Code Sections 84200.5 and 84215.

IV. ADMINISTRATION & TECHNOLOGY DIVISION

STAFF: JUE WANG, ACTING CHIEF OF ADMINISTRATION

A. New Employee Report

Legal Division

Cynthia Fisher, Political Reform Consultant II (Retired Annuitant)

B. Hiring Process

Enforcement Division

Associate Governmental Program Analyst
Attorney, FPPC Enforcement
Special Investigator

Administration Division

CEA, Chief of Admin

C. Statement of Economic Interest (SEI, Form 700)

March 1 Filing Status

As of May 30, 2024, 100% of the March 1 group filed Form 700 with the FPPC. 82.61% were submitted electronically.

March 1 Group	Total	Filed on time	Filed late
Constitutional Officers	53	44	9
Courts	2265	2222	43
Legislature	120	120	0
State Agencies	18	18	0
Total	2456	2404	52
		97.88%	2.12%

April 2 Filing Status

As of May 30, 2024, 14,891 annual statements for 2023, representing approximately 93.24% of the total, have been received and processed. Of these, 85.76% were submitted electronically. Due to the abundance of paper filings, SEI unit staff has diligently uploaded the statements into the system. All the statements are expected to be processed by the end of June, and the first non-filer letters are scheduled to be sent out in early July.

SEI Unit May Summary

- Referred 8 cases to the Enforcement
- Issued 50 fine letters
- Issued 195 Non-filer letters and 24 Amendment letters
- Processed 7 Form 462
- Responded 1552 emails from form700@fppc.ca.gov
- Re-certified 5 existing local e-filing systems

D. Collection/Revenue

May Report of Collection				
Category	Check	Credit Card	FTB Offset	Total
SEI Filing Fee	\$ 1,000	-	-	\$ 1,000
SEI Fine	\$ 400	\$ 3,000	\$ 800	\$ 4,200
PREP	\$ 100	\$ 1,550	-	\$ 1,650
Enforcement Collections	\$14,000	\$ 1,400	\$ 3,231.08	\$ 18,631.08
Enforcement Stipulations	\$ 3,400	\$ 19,720	-	\$ 23,120
Total	\$ 18,900	\$ 25,670	\$ 4,031.08	\$ 48,601.08