



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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EXECUTIVE STAFF REPORTS

March 21, 2024, Commission Hearing

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I. ENFORCEMENT DIVISION

STAFF: JAMES M. LINDSAY, CHIEF OF ENFORCEMENT

A. Overview

During the period of January 1, 2024, through February 29, 2024, the Enforcement Division received the following complaints and referrals:

	Sworn	Non-Sworn	Anonymous	Referrals
Number Received	103	16	87	87

When compared to the Annual Statistics chart in Section B, the number of complaints received by the Enforcement Division in January and February significantly increased from 2023 as expected in an election year. Referrals, however, were decreased.

For the months of January and February, more time to respond beyond the 14-day statutory period was needed for approximately 22¹ 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, the Enforcement Division opened 291 cases, rejected 219 complaints and referrals, and closed a total of 252 cases including:

- 138 warning letters – advertisement violations (7), campaign violations (14), conflict of interest violations (4), gift violations (1), behested payments (1), and statement of economic interests violations (111);
- 53 no action closure letters: PREP completed – statement of economic interests violations;
- 24 no action closure letters alleging – advertisement violations (8), campaign violations (7), gift violations (2), and statement of economic interests violations (7);
- 21 approved stipulations from the January Commission meeting;
- 1 approved default from the November Commission meeting,
- 6 committees were administratively terminated;
- 4 advisory letters; and
- 5 closed as a duplicates.

The Division had 964 cases in various stages of resolution at the time of the January Monthly Report and currently has approximately 995 cases in various stages of resolution, including

¹ This figure includes 4 sworn complaints received in December 2023.

the 21 streamline cases and 4 mainline cases before the Commission as listed in the March Agenda. Net case openings in January and February totaled 31.

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	78
	b Mainline cases	73	77	32	14	18
	c Default cases	7	7	3	5	2
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

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.

	March 2023	June 2023	September 2023	December 2023	Difference in Existing Caseload Overall
2016	3	0	0	0	-3
2017	5	2	2	1	-4
2018	68	56	34	21	-47
2019	166	125	69	39	-127
2020	269	234	201	153	-116
2021	346	298	232	167	-179
2022	365	329	307	248	-117
2023	139	220	295	323	+184

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 Committee to Save Our Neighborhoods; FPPC No. 18/820 [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.] In the Matter of Making Housing Affordable – YES on Prop 10 Committee; FPPC No. 18/820 [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.] In the Matter of Robert Levin; FPPC No. 20/768 [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 and the total penalty exceeds the amount that would be paid in a Mainline Stipulation.] In the Matter of Mike Leahy for Supervisor 2020 and Mike Leahy; FPPC No. 20/380 [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.] In the Matter of Yes on H, Support San Clemente and Capo Beach Schools 2020 and Steven Litchfield; FPPC No. 20/208 [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.] In the Matter of Dan Feder; FPPC No. 23/793 [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.]

Campaign Bank Account

[In the Matter of Mike Leahy for Supervisor 2020, and Mike Leahy; FPPC No. 20/380.](#)

Staff: Alex Rose, Senior Commission Counsel and Ann Flaherty, Special Investigator. Mike Leahy was an unsuccessful candidate for Yuba County Supervisor in the March 3, 2020 Primary Election. Mike Leahy for Supervisor 2020 was Leahy's candidate-controlled committee. Leahy served as the Committee's treasurer. The Committee and Leahy failed to process \$1,095 through the campaign bank account over two campaign statements, in violation of Government Code Section 85201 (2 counts). **Total Penalty: \$811 (Tier Two).**

[In the Matter of Committee to Re-Elect Larry Spicer to Monrovia City Council 2022, Larry Spicer, and Bobby Williams; FPPC No. 23/750.](#)

Staff: Alex Rose, Senior Commission Counsel and Lance Hachigian, Special Investigator. Larry Spicer was a successful candidate for Monrovia City Council in the November 8, 2022 General Election. Committee to Re-Elect Larry Spicer to Monrovia City Council 2022 was Spicer's candidate-controlled committee. Bobby Williams served as the Committee's treasurer. The Committee, Spicer, and Williams failed to timely disclose expenditures on a semi-annual campaign statement and failed to process \$768 through the campaign bank account over three campaign statements, in violation of Government Code Sections 84211 and 85201 (4 counts). **Total Penalty: \$553 (Tier One).**

Advertisements

[In the Matter of Defeat Republicans PAC, and Sue Jackson; FPPC No. 21/817.](#)

Staff: Alex Rose, Senior Commission Counsel. Defeat Republicans PAC is represented by Lacey Keys of Keys Law Corporation and Sue Jackson is represented by Gary Winuk of Kaufman Legal Group. Defeat Republicans PAC is a local and federal general purpose committee. Sue Jackson served as the Committee's treasurer and principal officer. The Committee and Jackson failed to timely report an expenditure on a pre-election campaign statement, timely file a 24-Hour Report, and include the required "ad paid for by" disclaimer on text message advertisements, in violation of

Government Code Sections 84204, 84211, 84305, 84310, 84502, and 84504.1 (3 counts). **Total Penalty: \$1,077 (Tiers One & Two).**

In the Matter of Citizens for a Better Sutter County – Yes on Measure A, Jerry Handy; FPPC No. 23/820. Staff: Alex Rose, Senior Commission Counsel and Ann Flaherty, Special Investigator. Citizens for a Better Sutter County – Yes on Measure A is a local primarily formed committee in support of Measure A in Sutter County. Jerry Handy serves as the Committee’s treasurer. The Committee and Handy failed to include the proper advertising disclosures on a robocall, website, and Facebook page, prior to the November 8, 2022 General Election, in violation of Government Code Sections 84504 and 84504.6 (3 counts). **Total Penalty: \$610 (Tiers One & Two).**

In the Matter of Yes on H, Support San Clemente and Capo Beach Schools 2020, and Steven Litchfield; FPPC No. 20/208. Staff: Chance Felkins, Commission Counsel. Yes on H, Support San Clemente and Capo Beach Schools 2020 is a local general purpose committee. Steven Litchfield serves as the Committee’s principal officer. The Committee and Litchfield failed to include the proper advertising disclosures on the Committee website and social media page, in violation of Government Code Section 84502 (2 counts). **Total Penalty: \$200 (Tier One).**

Campaign Late Reporter

In the Matter of Village Laguna, Inc., and Mary Ives; FPPC No. 18/1434. Staff: Theresa Gilbertson, Senior Commission Counsel and Roone Petersen, Special Investigator. The respondents are represented by Beverly Grossman Palmer of Strumwasser & Woocher LLP. Village Laguna, Inc., is a city general purpose committee. Mary Ives serves as the Committee’s treasurer. Village Laguna, Inc. and Ives failed to report independent expenditures on campaign statements, in violation of Government Code Section 84211, subdivision (k)(5) (5 counts). In addition, Village Laguna, Inc. and Ives failed to timely file an independent expenditure report, in violation of Government Code Section 84204 (1 count). **Total Penalty: \$1,817 (Tier One).**

Campaign Late Filer

In the Matter of The Red Brennan Group, and Thomas Murphy; FPPC No. 20/523. Staff: Alex Rose, Senior Commission Counsel and Kaitlin Osborn, Special Investigator. The respondent is represented by Ashlee Titus of Bell, McAndrews & Hiltachk LLP. The Red Brennan Group was a local general purpose committee. Thomas Murphy served as the Committee’s treasurer. The Committee and Murphy failed to timely file nine 24-Hour Reports and failed to properly describe reportable activity for two campaign statements, in violation of Government Code Sections 84203 and 84211 (11 counts). **Total Penalty: \$11,219 (Tier Two).**

In the Matter of Louis J. Giraud, and Louis J. Giraud and Affiliated Entities; FPPC 22/315. Staff: Jonathan Rivera, Commission Counsel and Roone Petersen, Special Investigator. The respondents were represented by Rachael Rutkowski of Olson Remcho LLP. Louis J. Giraud, a major donor committee for the calendar years 2018, 2020, and 2022, failed to timely file two major donor committee campaign statements, eleven 24-Hour Reports, and a Statement

of Members, in violation of Government Code Sections 84109, 84200(b), and 84203 (14 counts). **Total Penalty: \$5,800 (Tiers One & Two).**

[In the Matter of Making Housing Affordable – YES on Prop 10 Committee; FPPC No. 18/820.](#) Staff: Angela J. Brereton, Assistant Chief of Enforcement and Lance Hachigian, Special Investigator. The respondents are represented by Gary Winuk of Kaufman Legal Group. Making Housing Affordable – YES on Prop 10 Committee was a ballot measure committee. The Committee failed to timely file eighteen 24-Hour Reports, in violation of Government Code Section 84203 (18 counts). **Total Penalty: \$4,775 (Tier One).**

[In the Matter of Committee to Save Our Neighborhoods; FPPC No. 18/820.](#) Staff: Angela J. Brereton, Assistant Chief of Enforcement and Lance Hachigian, Special Investigator. The respondents are represented by Gary Winuk of Kaufman Legal Group. Committee to Save Our Neighborhoods was a ballot measure committee. The Committee failed to timely file nineteen 24-Hour Reports, in violation of Government Code Section 84203 (19 counts). **Total Penalty: \$4,619 (Tier One).**

[In the Matter of Irma Lopez for Hartnell College 2015 \(ID # 1379428\); Irma Lopez for Hartnell Trustee 4 2018/2020 \(ID # 1408060\); Irma Lopez; Gloria Lockwood; D. Michelle Rios; and Laura Rodriguez; FPPC No. 18/587.](#) Staff: Alex Rose, Senior Commission Counsel. Irma Lopez was an unsuccessful candidate for the Hartnell Community College District Board of Trustees in the November 3, 2015 General Election, but was a successful candidate for the same position in the November 6, 2018 and November 3, 2020 General Elections. Irma Lopez for Hartnell College 2015 and Irma Lopez for Hartnell Trustee 4 2018/2020 were Lopez's candidate-controlled committees. Gloria Lockwood, D. Michelle Rios, and Laura Rodriguez served as the Committees' treasurers. The Committees, Lopez, Lockwood, Rios, and Rodriguez failed to timely file six semi-annual campaign statements, two pre-election campaign statements, and five 24-Hour Reports, in violation of Government Code Sections 84200, 84200.5, and 84203 (13 counts). **Total Penalty: \$3,690 (Tier One).**

[In the Matter of Santa Barbara Rental Property PAC, and Robert Kooyman; FPPC No 19/066.](#) Staff: Theresa Gilbertson, Senior Commission Counsel and Alethea Perez, Special Investigator. The Santa Barbara Rental Property PAC is an active general-purpose committee. Robert Kooyman serves as the Committee's treasurer. The Committee and Kooyman failed to timely file two pre-election campaign statements and one semi-annual campaign statement, in violation of Government Code Sections 84200.5 and 84200 (3 counts). In addition, the Committee and Kooyman failed to timely file three 24-Hour Reports, in violation of Government Code Section 84203 (3 counts). **Total Penalty: \$2,102 (Tiers One & Two).**

[In the Matter of Dan Feder; FPPC No. 23/793.](#) Staff: Alex Rose, Senior Commission Counsel and George Aradi, Special Investigator. The respondent is represented by Ashlee Titus of Bell, McAndrews & Hiltachk LLP. Dan Feder, a major donor committee for the calendar years 2020 through 2023, failed to timely file four semi-annual campaign statements, in violation of Government Code Section 84200(b) (4 counts). **Total Penalty: \$2,000 (Tiers One & Two).**

In the Matter of Gutierrez for City Council 2020, and Jose Gutierrez; FPPC No. 22/462.

Staff: Jaleena Evans, Commission Counsel. Jose Gutierrez was an unsuccessful candidate for Mountain View City Council in the November 3, 2020 General Election. Gutierrez for City Council 2020 was Gutierrez's candidate-controlled committee. Jose Gutierrez served as the Committee's treasurer. The Committee and Gutierrez failed to timely report the employer and occupation information for contributions received on the first pre-election campaign statement, in violation of Government Code Section 84211 (1 count). Additionally, the Committee and Gutierrez failed to timely file a second pre-election campaign statement and two 24-Hour Reports, in violation of Government Code Sections 84200.5 (1 count) and 84203 (2 counts). **Total Penalty: \$978 (Tiers One & Two).**

In the Matter of Michael Vasilas; FPPC No. 20/910. Staff: Marissa Corona, Commission Counsel and Jay Gehres, Special Investigator. Michael Vasilas qualified as an independent expenditure committee opposing a City of Richmond measure, Measure U, in the November 3, 2020 General Election. Vasilas failed to timely file an independent expenditure campaign statement, in violation of Government Code Section 84200, subdivision (b) (1 count) and failed to timely file an independent expenditure 24-Hour Report, in violation of Government Code Section 84204 (1 count). **Total Penalty: \$662 (Tiers One & Two).**

In the Matter of Kenny Session for City Council District 6 2022, Kenny Session, and Kandis Session; FPPC No. 23/349. Staff: Chance Felkins, Commission Counsel. Kenny Session was an unsuccessful candidate for Oakland City Council in the November 8, 2022 General Election. Kenny Session for City Council District 6 2022 was their candidate-controlled committee. Kandis Session served as the Committee's treasurer. The Committee, Kenny Session, and Kandis Session failed to timely file a semi-annual campaign statement, in violation of Government Code Section 84200 (1 count). **Total Penalty: \$278 (Tier One).**

In the Matter of Ramona Landeros; FPPC No. 20/779. Staff: Marissa Corona, Commission Counsel. Ramona Landeros, a Board of Trustees Member of the Twin Rivers Unified School District, failed to timely file an Officeholder Campaign Statement Short Form (Form 470) for 2020, in violation of Government Code Section 84206 (1 count). **Total Penalty: \$200 (Tier One).**

Statement of Economic Interests Late Filer

In the Matter of Robert Levin, FPPC No. 20/768. Staff: Bridgette Castillo, Senior Commission Counsel. The respondent is represented by Leroy Smith of Schneiders & Associates LLP. Levin is a Commissioner of Ventura County First 5. Levin failed to timely report 20 investments on their 2018 Annual Statement of Economic Interests and 25 investments on their 2019 Annual Statement of Economic Interests, in violation of Government Code Section 87302 (45 Counts). **Total Penalty: \$4,500 (Tier One).**

In the Matter of Kevin Riley; FPPC No. 24/028. Staff: James M. Lindsay, Chief of Enforcement and Amber Rodriguez, Staff Services Analyst. Kevin Riley, a Planning Commissioner for the City of Antioch, failed to timely file a 2022 Annual Statement of

Economic Interests, in violation of Government Code Section 87203 (1 count). **Total Penalty: \$400 (Tier One).**

In the Matter of Dawn Donaldson; FPPC No. 23/494. Staff: James M. Lindsay, Chief of Enforcement and Shaina Elkin, Associate Governmental Program Analyst. Dawn Donaldson, as an alternate member for the Central Valley Schools JPA, failed to timely file the 2020 and 2021 Annual Statements of Economic Interest, in violation of Government Code Section 87203 (2 counts). **Total Penalty: \$400 (Tier One).**

In the Matter of Jacob Mojarro; FPPC No. 24/006. Staff: James M. Lindsay, Chief of Enforcement and Amber Rodriguez, Staff Services Analyst. Jacob Mojarro, a Planning Commissioner for the City of Alhambra, failed to timely file a 2022 Annual Statement of Economic Interests, in violation of Government Code Section 87203 (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 January 1, 2024 to February 29, 2024, no audit reports were adopted by the Audits and Assistance Division. Currently, the team has 32 audits in progress at various stages, including fieldwork, post-fieldwork, and quality review.

III. LEGAL DIVISION

STAFF: DAVE BAINBRIDGE, GENERAL COUNSEL

A. Pending Litigation

None

B. Outreach and Training

Webinars & Workshops

January

- January 8, General Counsel Dave Bainbridge participated in a roundtable discussion concerning Section 84308 (Levine Act) compliance at the California Contract City Association 2024 Legislative Tour. Approximately 70 people attended.
- January 11, the FPPC presented a Statement of Economic Interests Filing Officer webinar. Political Reform Consultant, Katie Trumbly, and Associate Governmental Program Analyst Andrea Carey, presented. 14 people attended.
- January 16, the FPPC presented a Section 84308 (Levine Act) webinar requested by Behavioral Health Collaborative of Alameda County. Commission Counsel, Toren Lewis, and Senior Commission Counsel, Kevin Cornwall, presented. 36 people attended.
- January 17, the FPPC presented a Statement of Economic Interests Filers webinar requested by California State Teachers' Retirement System. Political Reform Consultants, Alexandra Castillo and Katie Trumbly, presented. 74 people attended.
- January 19, the FPPC presented a Statement of Economic Interests Filers webinar requested by the State Bar of California. Political Reform Consultant, Stephen Hernandez, presented. 33 people attended.
- January 26, the FPPC presented a Candidate/Treasurer Getting Started workshop requested by Hispanas Organized for Political Equality (HOPE). Political Reform Consultant, Adam Ramirez, presented. 38 people attended.

February

- February 8, the FPPC presented a Candidate/Treasurer webinar. Political Reform Consultant, Adam Ramirez, and Education and External Affairs Unit Manager, Chloe Hackert, presented. 68 people attended.
- February 9, FPPC Commission Counsel, Katelyn Baeta-Orick, presented as a panelist for the California Judges Association Form 700 Webinar. The webinar was available to all judicial officers as an overview of the Form 700 reporting requirements. Approximately 300 people attended.
- February 13, the FPPC presented a Statement of Economic Interests Filers webinar requested by the San Diego County Sheriff's Department. Political Reform Consultant, Katie Trumbly, presented. 43 people attended.

- February 15, the FPPC presented a Statement of Economic Interests Filers webinar requested by the California Special Districts Association. Political Reform Consultants, Adam Ramirez and Stephen Hernandez, presented. 51 people attended.
- February 15, the FPPC presented a Section 84308 (Levine Act) webinar requested by the California Contract Cities Association. Senior Commission Counsel, Kevin Cornwall, and Commission Counsel, Toren Lewis, presented. 42 people attended.
- February 15, the FPPC presented a Section 84308 (Levine Act) webinar. FPPC Counsel, Toren Lewis, and Senior Commission Counsel, Kevin Cornwall, presented. 145 people attended.
- February 22, the FPPC presented a Statement of Economic Interests Filers webinar requested by the California Earthquake Authority. Political Reform Consultant, Stephen Hernandez, presented. 26 people attended.
- February 27, the FPPC presented a Statement of Economic Interests Filers webinar. Education and External Affairs Unit Manager, Chloe Hackert, and Political Reform Consultant, Alexandra Castillo, presented. 86 people attended.
- February 28, the FPPC presented a Statement of Economic Interests Filing Officer webinar requested by the County of Sonoma. Political Reform Consultant, Alexandra Castillo, presented. 27 people attended.

Scheduled Webinars

- March 12, the FPPC is presenting a Campaign Filing Officer webinar.
- March 14, the FPPC is presenting a Statement of Economic Interests Filing Officer webinar.
- March 19, the FPPC is presenting a Statement of Economic Interests Filers webinar.

Video Tutorials:

January: Commission video tutorials were accessed a total of 603 times. Form 700 videos were accessed 337 times, the Candidate/Treasurer video was accessed 168 times, and the filing officer videos were accessed 98 times.

February: Commission video tutorials were accessed a total of 874 times. Form 700 videos were accessed 126 times, the Candidate/Treasurer video was accessed 122 times, and the filing officer videos were accessed 626 times.

C. New and Updated Educational Resources

- Updated [Limited Liability Companies Contributions & Expenditures Fact Sheet](#).

D. Political Reform Education Program (PREP):

- In January, PREP received 18 referrals for the Statement of Economic Interests course. During this time, 31 learners completed PREP, 4 failed to complete PREP, and 47 learners were enrolled but had not yet completed the course. 3 learners were withdrawn

from PREP, including 2 learners who decided to pay a streamline penalty instead and 1 learner who was no longer required to complete PREP.

- In February, PREP received 11 referrals for the Statement of Economic Interests course. During this time, 20 learners completed PREP, 4 learners failed to complete PREP, and 34 learners are enrolled but have not yet completed the course.

E. Pre-election Campaign Reporting Compliance

Leading up to the March Primary Election, PREP staff took over the pre-election campaign reporting compliance efforts previously conducted by the Enforcement Division. IN advance of the filing deadlines, staff contacted local filing officers for each county and city with a population of 100,000 or more and requested they provide a list of any candidates who had failed to file pre-election campaign statements. Staff then contacted those candidates who had failed to timely file, educated them on their filing obligations, and encouraged them to file. Candidates who failed to file in response to contacts from PREP staff were transferred to Enforcement staff.

Overall, we received 105 pre-election referrals. Of those, 98 candidates came into compliance after being referred to PREP without having to be transferred to Enforcement. Of the 7 candidates transferred to Enforcement, 5 filed after being contacted by Enforcement staff, bringing the total filing compliance rate to over 98%. One candidate filed a first pre-election statement but not a second and the other did not file either pre-election statement.

F. Advice

The [January 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 January, the Legal Division responded to the following requests for advice:

- **Education:** The Education unit responded to 697 requests for technical assistance via telephone.
- **Requests for Advice:** Political Reform Consultants and Legal Division attorneys collectively responded to 943 email requests for advice, 380 of which were not responded to within 24 hours and 234 of those were not responded to within 48 hours.
- **Advice Letters:** The Legal Division received 6 advice letter requests under the Political Reform Act and completed 7.
- **Section 1090 Letters:** The Legal Division received 8 advice letter request concerning Section 1090 and completed 4.

The [February 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 February, the Legal Division responded to the following requests for advice:

- **Education:** The Education unit responded to 642 requests for technical assistance via telephone.
- **Requests for Advice:** Political Reform Consultants and Legal Division attorneys collectively responded to 868 email requests for advice, 338 of which were not responded to within 24 hours and 193 of those were not responded to within 48 hours.
- **Advice Letters:** The Legal Division received 4 advice letter requests under the Political Reform Act and completed 9.
- **Section 1090 Letters:** The Legal Division received 3 advice letter request concerning Section 1090 and completed 3.

G. Miscellaneous Decisions

Regulation 18740 provides that an official or candidate is not required to disclose the name of a source of income on their Statement of Economic Interest if disclosure would violate California or Federal law. The following exemption was approved in December:

- Alex B. Lemberg, San Francisco Board of Appeals, is exempt from disclosing as a source of income a client of his law practice due to a confidential settlement agreement.

H. Upcoming Regulation Projects

April

Honorarium ban – Amend current regulation to permit elected officials to receive payment for public speaking engagements when the official had a business that preceded their election to public office. (Pre-notice)

Paid social media posts – Amend existing regulation concerning disclosure on third-party social media posts and adopt a new related regulation in response to SB 678. (Pre-notice)

May

Cryptocurrency reporting – Amend regulation on reporting campaign contributions made in cryptocurrency so that such a contribution is reported as a monetary contribution. Also, clarify in regulation that cryptocurrency need not be reported on a statement of economic interests. (Adoption)

Committee jurisdiction determination – Amend existing regulation to clarify which contributions and expenditures are counted in calculating the 70% threshold for determining whether a committee should file at the local or state level. (Adoption)

June

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. (Pre-notice)

Honorarium ban – Amend current regulation to permit elected officials to receive payment for public speaking engagements when the official had a business that preceded their election to public office. (Adoption)

Paid social media posts – Amend existing regulation concerning disclosure on third-party social media posts and adopt a new related regulation in response to SB 678. (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>.

I. Conflict of Interest Codes

Adoptions and Amendments

State Agencies

- CA Health Benefit Exchange

Multi-County Agencies

- Golden State Connect Authority
- Golden State Finance Authority
- Pajaro Valley Public Cemetery District
- Pioneer Community Energy
- Rural County Representatives of CA
- CalBright College
- East Bay Municipal Utility District
- Southern CA Association of Governments

Exemptions

None

Extensions

None

J. 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 Shawn Farmer, Case No. 20-730. On January 8, 2024, probable cause was found, on the papers, to believe Respondent committed the following violation of the Act:

Count 1: On March 19, 2019, Farmer, a member of the Galt City Council, had a conflict of interest when Farmer voted on a governmental decision that had a reasonably foreseeable material financial effect on Farmer's financial interest, the Farmer Property, in violation of Government Code Section 87100.

In the Matter of South Bay Sv Community Coalition Pac, Anthony Phan and Suzanna Trieu, Case No. 2019-00385. On January 17, 2024, probable cause was found, on the papers, to believe Respondents committed the following violations of the Act:

Count 1: The Committee, Phan and Trieu failed to timely file a statement of organization disclosing the proper qualification date and Phan as a controlling candidate of the Committee on the statement of organization and in the name of the Committee, in violation of Sections 84101, subdivision (a) and 84102, subdivisions (e) and (g).

Count 2: The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the San Benito County Clerk in violation of Section 84204.

Count 3: The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the Hollister City clerk in violation of Section 84204.

Count 4: The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk in violation of Section 84204.

Count 5: The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk in violation of Section 84204.

Count 6: The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing two 24-Hour contributions received of over \$1,000 each on October 8, 2018, by the October 9, 2018 due date, in violation of Section 84203.

Count 7: The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing one 24-Hour contribution received of over \$1,000 on October 12, 2018, by the October 15, 2018, in violation of Section 84203.

Count 8: The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing one 24-Hour contribution received of over \$1,000 on October 25, 2018, by the October 26, 2018, in violation of Section 84203.

Count 9: The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing one 24-Hour contribution received of over \$1,000 on November 5, 2018, by the November 6, 2018, in violation of Section 84203.

Count 10: The Committee, Phan and Trieu failed to timely file a pre-election campaign statement for the reporting period September 23, 2018, through October 20, 2018, in violation of Section 84200.5, subdivision (c).

Count 11: The Committee, Phan and Trieu failed to properly disclose the true source of a \$12,500 contribution in violation of Section 84211, subdivision (f).

Count 12: The Committee, Phan and Trieu failed to timely file a semi-annual campaign statement for the reporting period October 21, 2018, through December 31, 2018, in violation of Section 84200, subdivision (a).

Count 13: The Committee and Phan failed to file an independent expenditure verification for any independent expenditures made, in violation of Section 84213, subdivision (b).

Count 14: The Committee and Phan failed to disclose the name of the controlling candidate on an advertisement sent on or about October 18, 2018 in violation of Section 84502, subdivision (a)(1).

Count 15: The Committee and Phan failed to disclose the name of the controlling candidate on an advertisement sent on or about October 18, 2018 in violation of Section 84502, subdivision (a)(1).

Count 16: The Committee and Phan failed to disclose the name of the controlling candidate on an advertisement sent on or about October 18, 2018 in violation of Section 84502, subdivision (a)(1).

Count 17: The Committee and Phan failed to disclose the name of the controlling candidate on an advertisement sent on or about November 1, 2018 in violation of Section 84502, subdivision (a)(1).

Count 18: The Committee and Phan failed to disclose the name of the controlling candidate on an advertisement sent on or about November 2, 2018 in violation of Section 84502, subdivision (a)(1).

Count 19: Separate bank accounts were maintained for the Committee and Phan's officeholder committee, City Council Neighbors for Anthony Phan 2016. Each committee received contributions and expenditures, using a separate bank account for each committee. As such, the Committee and Phan violated Section 85201.

In the Matter of Kern Neighborhoods for Responsible Regulation in Support of Measure J, Larry Hiestand and Tim Blakeley, Case No. 2018-00976. On February 9, 2024, probable cause was found, on the papers, to believe that Respondents committed the following violations of the Act:

Count 1: Kern Neighborhoods, Hiestand, and Blakeley failed to timely file the statement of organization within 10 days of qualifying as a committee, in violation of Section 84101(a).

Count 2: Kern Neighborhoods, Hiestand, and Blakeley failed to timely file the semiannual campaign statement for the reporting period of January 1, 2018 to June 30, 2018, in violation of Section 84200, subdivision (a).

Count 3: Kern Neighborhoods, Hiestand, and Blakeley failed to timely file the pre-election campaign statement for the reporting period of July 1, 2018 to September 22, 2018 in violation of Sections 84200.5, subdivision (a); and 84200.8, subdivision (b).

Count 4: Kern Neighborhoods, Hiestand, Edwards and Blakeley failed to timely file the pre-election campaign statement for the reporting period of September 23, 2018 to October 20, 2018 in violation of Sections 84200.5, subdivision (a); and 84200.8, subdivision (b).

Count 5: Kern Neighborhoods, Hiestand, Blakeley failed to timely file the semiannual campaign statement for the reporting period of October 21, 2018 to December 131, 2018, in violation of Section 84200, subdivision (a).

Count 6: Kern Neighborhoods, Hiestand, and Blakeley failed to timely a 24-hour contribution report for a \$1,217 contribution received on October 17, 2018, in violation of Section 84203.

Count 7: Kern Neighborhoods, Hiestand, and Blakeley failed to timely report the date of each contribution on the pre-election campaign statement covering the period of July 1, 2018 to September 22, 2018, in violation of Section 84211, subdivision (f).

Count 8: Kern Neighborhoods, Hiestand, and Blakeley failed to maintain detailed campaign records for Kern Neighborhood's contributions and expenditures during the reporting period of January 1, 2018 and June 31, 2018, in violation of Section 84104.

Count 9: Kern Neighborhoods, Hiestand, and Blakeley failed to maintain detailed campaign records for Kern Neighborhood's contributions and expenditures during the reporting period of July 1, 2018 to September 22, 2018, in violation of Section 84104.

Count 10: Kern Neighborhoods, Hiestand, and Blakeley failed to maintain detailed campaign records for Kern Neighborhood's contributions and expenditures during the reporting period of September 23, 2018 to October 20, 2018, in violation of Section 84104.

Count 11: Kern Neighborhoods, Hiestand, and Blakeley failed to maintain detailed campaign records for Kern Neighborhood's contributions and expenditures during the reporting period of October 21, 2018 to December 31, 2018, in violation of Section 84104.

Count 12: Kern Neighborhoods, Hiestand, and Blakeley accepted cash contributions of more than \$100 during the reporting period of July 1, 2018 to September 22, 2018, in violation of Section 84300, subdivision (a).

Count 13: Kern Neighborhoods, Hiestand, and Blakeley accepted cash contributions of more than \$100 during the reporting period of September 23, 2018 to October 20, 2018, in violation

of Section 84300, subdivision (a).

Count 14: Kern Neighborhoods, Hiestand, and Blakeley made cash expenditures of more than \$100 during the reporting period of July 1, 2018 to September 22, 2018, in violation of Section 84300, subdivision (b).

In the Matter of City of Norco and Andy Okoro, Case No. 18-789. After a hearing held on February 29, 2024, probable cause was found to believe Respondents committed the following violations of the Act:

Count 1: The City and Okoro sent or caused to be sent 9,314 copies of an identical and prohibited campaign related mass mailing at public expense at a total cost of \$4,196.86 which unambiguously urged the passage of local tax Measure R, in violation of Section 89001 and the criteria set forth in Regulation 18901.1.

Count 2: The City failed to include a proper advertising disclosure on the campaign related mass mailing, which was sent on or around September 4, 2018, in violation of Sections 84502 and 84504.2.

Count 3: The City failed to file a 24-hour independent expenditure report for the \$4,196.86 independent expenditure on or around October 4, 2018, in violation of Section 84204, subdivision (a).

Count 4: The City failed to file a semi-annual campaign statement for the reporting period of July 1, 2018, to December 31, 2018, reporting the expenditure activity, in violation of Section 84200, subdivision (b).

IV. ADMINISTRATION & TECHNOLOGY DIVISION

STAFF: JUE WANG, ACTING CHIEF OF ADMINISTRATION

A. New Employee Report

Enforcement Division

Shelby Pearce, Political Reform Consultant I
Carlie A. Haug, Enforcement Chief Aide & Agenda Coordinator
Laura Columbel, Attorney

Legal Division

Belen Cisneros, Staff Services Analyst

B. Hiring Process

Enforcement Division

Supervising Special Investigator I

Administration Division

CEA, Chief of Administration
Associate Personnel Analyst

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

2023 SEI Summary

In 2023, the SEI unit processed 24,710 annual, assuming office, leaving office, and candidate statements, including 13,332 that were filed using the FPPC's electronic filing system, 6,278 that were filed through local electronic filing systems, and 5,100 that were filed on paper.

In 2023, the SEI unit referred 508 non-filers to the Enforcement.

In 2023, 44 local E-filing systems were approved, and 28 local E-filing systems that had passed five years were re-certified.

March 1 Filing Status

As of 3/6/2024, 87.49% of the March 1 group submitted Form 700 electronically.

March 1 Group	Total	Filed on time	Filed late	Not Filed
Constitutional Officers	53	44	0	9
Courts	2273	2096	16	161
Legislature	120	120	0	0
State Agencies	18	18	0	0
Total	2464	2278	16	170
		92.45%	0.65%	6.90%

April 2 Filing Status

The annual filing notification email was sent on 1/2/2024, and 1st reminder email was sent on 3/4/2024.