



CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
MINUTES OF HEARING, Public Session
Thursday, September 21, 2023
10:00 a.m.

Present: Chair Miadich, Commissioner Baker, Commissioner Wilson, and Commissioner Wood

Staff Present: Galena West, Executive Director
James M. Lindsay, Chief of Enforcement
Dave Bainbridge, General Counsel
Shrdha Shah, Chief of Audits and Assistance
Loressa Hon, Chief of Administration
Lindsey Nakano, Senior FPPC Legislative Counsel
Julianna Contreras, Commission Assistant

Call to Order.

Chair Miadich called the meeting to order at 10:20 a.m.

1. Public Comments for items not on the agenda.

Steven Petzold inquired about FPPC Case 23-00359.

Dale H. requested an update on FFPC Case 18-01194.

Anthony D. made comment regarding the activities of Turner Housing Innovation Labs (THIL) in Arcata, CA.

2. Approval of Commission Minutes.

MOTION: To approve the August 2023 meeting minutes. Moved by Commissioner Baker; seconded by Commissioner Wilson. The motion passed 4-0.

3 – 4. Consent Calendar.

Commissioner Wilson requested agenda item #3 removed for discussion.

MOTION: To approve item 4 In the Matter of Jose Pech; FPPC No. 19/1407. Moved by Commissioner Baker; seconded by Commissioner Wilson. The motion passed 4-0.

3. In the Matter of Compton Community College District, FPPC No. 22/795.

Commissioner Wilson requested clarification on how the Community College had no knowledge of the

mass mailing prohibition and how Enforcement determined if the violation was intentional or negligent. James M. Lindsay, Chief of Enforcement, clarified that the college was cooperative and discontinued the mailers quickly after discovering the violation. Mr. Lindsay added that there was no indication of an intent to violate the law. In response to Commissioner Wilson's question about whether there was any training available to prevent a similar mistake, Mr. Lindsay stated that there was no training required, but the stipulation and the fine could serve as incentives to ensure the careful review of mailer content. Chair Miadich and Commissioner Baker sought clarification on how the Community College became aware of their violation, whether it was before or after the FPPC contacted them. In response, Mr. Lindsay explained that the FPPC initiated the investigation after receiving an anonymous complaint. Within three days, the FPPC sent an inquiry letter via email, and shortly after, the college's attorney responded, acknowledging the violation and initiating the process to discontinue the mailers. Mr. Lindsay mentioned that Enforcement did not know if or how the attorney became aware of the violation prior to the FPPC reaching out.

Chair Miadich asked about the reach of the mailer and the comparable jurisdiction numbers for the comparable cases. Mr. Lindsay stated that mailers reached all the households in the district and the jurisdictions were very similar, between 75,000 – 100,000.

The Chair and Commissioners requested that copies of ads be attached to stipulations in the future so the Commission and the public can see the ad and requested staff look into whether training can be required as part of the stipulations as appropriate.

MOTION: To approve Stipulation FPPC No. 22/795. Moved by Chair Miadich; seconded by Commissioner Baker. The motion passed 4-0.

5. FPPC/Community College Video Project.

Jay Wierenga, Communications Director, presented an FPPC student-produced video, “Form 700,” with appreciation to Liz (Elizabeth) Baker from City College of San Francisco, Broadcasting Electronic Media Arts Department.

6. Prenotice Discussion of Proposed Amendment to Regulation 18202, Definitions. Quasi-Legislative Administrative Action.

Valerie Nuding, Commission Counsel, presented the proposed amendment to Regulation 18202.

Ms. Nuding clarified the importance of the lobbying provisions, the role of the California Citizens Redistricting Commission (CRC) and the need to ensure the regulated community is aware that the CRC can be lobbied. Chair Miadich asked if the FPPC has the authority to reach out and require people who spend money to influence local bodies to register as lobbyists. Ms. Nuding clarified that FPPC does not have the authority to do so; the Act only regulates against State lobbyists, not local. Commissioner Wilson asked if it is possible for the Legislature to make some sort of amendment to the Act to include local lobbying under the Act. Ms. Nuding said it is possible legislation.

Commissioner Baker asked if an entity whose purpose is for something else, such as an environmental group, spends the threshold amount to influence the CRC would that count if they are not already registered as a lobbyist. Ms. Nuding clarified if a person does not meet the qualification of lobbying, then it will not be considered lobbying. Dave Bainbridge, General Counsel, added to the discussion that any influence on any state officials will be considered lobbying to meet the threshold. Chair Miadich clarified the intent is not to change the lobbying thresholds. Commissioner Baker asked if we could figure out how to educate people regarding this regulation since this activity only occurs every ten years.

Commissioner Wood asked if by singling out the CRC, are we causing an interpretation that excludes other quasi-legislative agencies from being included. Ms. Nuding answered that it was appropriate here to single out the CRC because the CRC was such a unique agency. However, she could look into whether language could be added to make clear that specifying the CRC in the regulation is not meant to exclude any other agency.

7. Legislative Update.

Lindsey Nakano, Senior Legislative Counsel, presented an update on introduced bills, Commission bills, and PRA bills.

8. Executive Staff Reports.

Executive Staff Reports from the Administration and Technology Division and Executive Director were accepted as submitted.

Enforcement Division Report –

James M. Lindsay, Chief of Enforcement, gave a presentation regarding the Policy Directives Quarterly Progress Report. Chair Miadich asked if this was all accomplished before the new positions had been filled. Mr. Lindsay confirmed that is true. Commissioner Baker requested a report regarding milestones reached by and not met by the Enforcement Division. Commissioner Baker also requested feedback on the staff issue brought up that the current levels of review slow down the process and might not be necessary.

Commissioner Wilson asked if high-profile cases are treated differently. Mr. Lindsay responded that they are treated equally – impartial and efficient. Commissioner Baker asked what happens after we receive public comment on Enforcement matters. Mr. Lindsay responded that they will be contacted.

Audits Division Report –

Commissioner Baker asked that public draw dates be placed on the Commissioners' calendars. Chair Miadich responded that this was already in practice.

Chair Miadich asked that the Executive Director report back on how the Fresno roundtable discussion goes at the next Commission meeting.

Legal Division Report –

Chair Miadich inquired about when an update on the feedback received regarding regulations adopted regarding Section 84308 would be presented. Dave Bainbridge, General Counsel, responded that an update will be presented at the October Commission Meeting.

9. Commissioner Comments and Proposed Future Agenda Items.

Commissioner Baker would like a report on how the new rules regarding behested payment reporting are being followed. What is being reported, trends, etc.

MOTION: To Adjourn the meeting. Moved by Commissioner Wilson; seconded by Commissioner Baker. The motion passed 4-0.

The meeting adjourned at 12:10 p.m.

Respectfully Submitted,
Julianna Contreras
Commission Assistant
Approved

Richard C. Miadich, Chair
Fair Political Practices Commission