

Notice
Fair Political Practices Commission
Law and Policy Committee Meetingⁱ
September 9, 2020 10:00 a.m.
Unapproved Minutes

The Law and Policy Committee was called to order at 10:03 a.m.

- 1. Public Comment for items not on the agenda.**
- 2. Approval of August 7, 2020 Law and Policy Committee Minutes.**

MOTION: To approve the August 7, 2020 Committee minutes. Moved by Commissioner Cardenas, seconded by Chair Miadich. The motion was approved 2-0.

- 3. Behested Payment Discussion.**

Karen Harrison, Senior Commission Counsel, gave a short overview of her current research and schedule throughout 2020 to bring Commissioner Cardenas up to date.

Patrick Ford, San Francisco Ethics Commission, gave a presentation on experiences in San Francisco regarding behested payments.

Chair Miadich discussed the balance of differentiating between proper use of behested payments and the misuse of behested payments because there are plenty of elected officials who are using behested payments for good and we don't want to limit that use.

Mr. Ford stated this is an important area for nonprofits, but it is important to have ethical relationships maintained and to continue to be transparent. The San Francisco Ethics Commission created an exception for public appeals and tried to exempt behests where there is not a one on one communication or speeches to 25 people or more.

Chair Miadich asked if there could be an enforcement regime that focuses on misuse of behested payments to avoid contribution limits. Mr. Ford stated that these rules already exist, and the problem is knowing when an official takes advantage of the behest.

Karen Harrison, Senior Commission Counsel, explained the proposed changes to the Form 803. The additions are to simplify the process, make clear for filers what is being asked, and allow staff to track data.

Karen Harrison, Senior Commission Counsel, explained the FAQ sheet that was created to reflect questions that have come from interested parties. Ms. Harrison commented that the FAQ sheet will be trimmed down to highlight key points. Chair Miadich suggested to have a citation to one or more advice letters that may answer questions.

4. Interested Person Feedback on Pre-Noticed Amendments to Regulations Governing Enforcement Processes.

John Feser, Senior Commission Counsel gave a thorough review of the changes being made in the regulations governing the enforcement process.

5. Interested Person Feedback on Pre-Noticed Amendments to Regulations Governing the Enforcement Division's Streamline and Warning Letter Programs and New Tier Two Streamline Program.

Chair Miadich stated the discussion of the streamline regulations will be held until the next Law and Policy Committee meeting in October.

6. Discussion of items for October 2020 Committee meeting.

Chair Miadich stated the October agenda will include the Enforcement Regulations, Streamline Regulations, and a follow up report on behested payments. Commissioner Cardenas asked if a legislative update would be appropriate for the October agenda.

MOTION: To adjourn the meeting. Moved by Commissioner Cardenas, seconded by Chair Miadich. The motion was approved 2-0.

The meeting concluded at 12:29 p.m.

ADDITIONAL INFORMATION.

- You may listen to and participate in this committee meeting by teleconference by calling: (877) 411-9748; access code 723284.
- For questions about this meeting, you may contact the Commission Assistant at (916) 322-5660.

ⁱ The Commission has established two separate two-person standing advisory committees, the Budget and Personnel Committee and the Law and Policy Committee, to allow greater participation by individual Commissioners in making recommendations to the full Commission. In recognition of the public's interest in the meetings of these committees, the Commission has directed the committees to allow the public to monitor committee deliberations, whenever possible, by publishing a five-day notice of the meeting and allowing callers to listen to the proceeding with a call-in telephone number. Additionally, the Commission is permitting public participation in the noticed meeting in person or via telephone.

As two-person advisory committees, Bagley Keene Open Meeting Requirements (Government Code Sections 11120 - 11132) do not apply to the committee meeting. However, the Commission will be soliciting public comment before and during the meeting. If you would like to comment on an agenda item prior to the meeting, you may email your comments to the Commission Assistant at CommAsst@fppc.ca.gov. Any comments submitted prior to the meeting will be provided to the committee members for consideration at the meeting.