

Meeting Minutes
(Unapproved and Subject to Change)
Fair Political Practices Commission
Law and Policy Committee Meetingⁱ
August 7, 2020 10:00 a.m.

The Law and Policy Committee was called to order at 10:01 a.m.

- 1. Public Comment for items not on the agenda.**
- 2. Approval of June 4, 2020 Law and Policy Committee Minutes.**

MOTION: To approve the June 4, 2020 Committee minutes. Moved by Commissioner Hayward, seconded by Chair Miadich. The motion was approved 2-0.

- 3. Behested Payment Discussion.**

Karen Harrison, Senior Commission Counsel, gave an update on her behested payments research and submitted a proposed schedule preceding behested payment issues. Chair Miadich stated that the timeline is fine up to the regulatory statutory changes as they may need to push the changes to November.

Chair Miadich asked if there were any other states that have similar behested payment challenges or laws. Erika Boyd, Senior Commission Counsel, explained that New York has the most similar framework and can align with the behested payment timeline.

Chair Miadich asked for an update on outreach to stakeholders. Karen Harrison, Senior Commission Counsel, explained that she and Dave Bainbridge, General Counsel, met with the ethics roundtable for local ethics agencies and will give an update to stakeholders after the presentation by Patrick Boyd at the next meeting. Ms. Harrison stated that additional comments with nonprofits and other agencies were not received, but she will continue reaching out to them.

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

Dave Bainbridge, General Counsel, explained proposed changes and alternatives based on comments from Commissioners, public comments, and research.

Chair Miadich asked if there is a way the Commission could authorize the holding of a probable cause conference if somebody fails to request a probable cause hearing within the time frame. Mr. Bainbridge

answered that the general process would allow them to authorize the probable cause conference. Angela Brereton, Assistant Chief of Enforcement, stated the regulation could have a clear standard in the language.

Elli Abdoli, Nielsen Merksamer, fully supports the changes and consideration of the issues.

Chair Miadich stated that the Commission will hear an update on these regulations in September at the earliest.

5. Committee Naming Requirements Fact Sheet.

Erika Boyd, Senior Commission Counsel, discussed the fact sheet and defined the different type of committees and included the requirements. The fact sheet will be available under the media tab on the website and further information will be available through email.

Commissioner Hayward suggested to bold the line in the introduction paragraph that explains updating names.

6. Discussion of Advisory Committee procedures.

MOTION: Move to recommend the procedures to the full Commission at the August meeting. Moved by Chair Miadich, seconded by Commissioner Hayward. The motion was approved 2-0.

7. Discussion of items for September 2020 Committee Meeting.

Chair Miadich stated that he anticipates receiving a continued update on staff activity for behested payment and continue to receive feedback from Enforcement and the Streamline Regulations.

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

The meeting concluded at 11:24 a.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.