

News from the FPPC



California Fair Political Practices Commission
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For Immediate Release: April 25, 2013

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FPPC Enforcement Decisions: April 25, 2013

The following are enforcement decisions approved by the Fair Political Practices Commission at its regular monthly meeting held on Thursday, April 25, 2013. Decisions are listed by category and include a brief summary of each case and the total amount of any administrative fine or fines in each case.

Additional information on each of the enforcement cases below can be found in the April agenda on the FPPC website at www.fppc.ca.gov. FPPC agendas are distributed and posted on the agency website at least 10 days prior to each monthly meeting.

The web version of the agenda includes links to the stipulations agreed to by the commission and by the individuals and organizations subject to the fines, or the default decisions proposed to the commission. Exhibits in support of the stipulations and proposed default decisions are also available on the website. If you are unable to access the FPPC website, or need further assistance, please call the FPPC communications office at (916) 322-7761.

Conflict of Interest Violation

California law states that, absent an exception, a public official may not make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. The following official made, participated in making, or attempted to influence a governmental decision:

Antoinette Renwick was the Inspection Services Manager for the City of Oakland Community and Economic Development Agency (CEDA), Building Services Division (BSD), from November 2002 through October 2010. As the BSD Inspection Services Manager, Ms. Renwick was a public official, as defined in Section 82048 of the Political Reform Act, and was a designated employee in the Conflict of Interest Code for the City of Oakland. Ms. Renwick violated the conflict of interest provisions of the Act when she approved and signed a series of contracts with a contractor, her former brother-in-law, from whom she had received a loan in the amount of \$50,000. Additionally, Ms. Renwick violated the financial disclosure requirements of the Act by failing to disclose the loan from the contractor in her 2008 Annual Statement of Economic Interests. Thus, she made a series of governmental decisions involving her former brother-in-law in which she knew herself to have a financial interest and she failed to disclose her former brother-in-law as a source of a loan in her 2008 Annual Statement of Economic Interests. **\$6,500 fine.**

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Independent Expenditure Coordination Violation

Under California law, an expenditure is presumed to be a contribution – not an independent expenditure – when the committee and the candidate share an agent who provides the candidate with professional services related to campaign or fundraising strategy. The following falsely reported an over-the-limit contribution as an independent expenditure:

Voters for a New California and Joaquin Ross. Voters for a New California purported to be a general purpose committee for the purpose of making independent expenditures to support Latino candidates. Joaquin Ross was a principal officer of the committee and, at the same time, was a paid general campaign manager for Luis Alejo, a successful candidate for the California State Assembly. In approximately May 2010, Voters for a New California and Joaquin Ross made an over-the-limit non-monetary contribution in support of Luis Alejo's candidacy for the California State Assembly in the form of three mass mailings, which cost approximately \$28,892. They also filed a false Form 460 campaign statement with the Secretary of State for the reporting period ending May 22, 2010, which concealed the over-the-limit contribution described above by falsely reporting it as an independent expenditure. **\$6,500 fine.**

Campaign Reporting Violations

George Shirakawa, George Shirakawa For School Board, and Shirakawa For Supervisor. George Shirakawa had been a member of the Santa Clara County Board of Supervisors since 2008, and previously served on a governing board of the East Side Union High School District. George Shirakawa for School Board and Shirakawa for Supervisor were Mr. Shirakawa's candidate controlled committees. As a Santa Clara County Supervisor, Mr. Shirakawa made expenditures that were not related to a political, legislative or governmental purpose. **\$50,000 fine.**

Dan Hamburg, Dan Hamburg for Supervisor 2010, and Geoffrey Baugher. Dan Hamburg was elected to the Mendocino County Board of Supervisors in the November 2, 2010 General Election. Dan Hamburg for Supervisor 2010, was, at all times relevant, Mr. Hamburg's candidate controlled recipient committee. They understated and overstated the balance of cash on campaign statements; failed to disclose information regarding contributions received and expenditures made of \$100 or more on campaign statements; and failed to deposit contributions into a single, designated campaign bank account prior to expenditure. In addition, Mr. Hamburg made two contributions totaling \$1,500 to the committee by money order on or about November 8, 2010. **\$9,500 fine.**

Marcie Hodge, Hodge for Mayor 2010, and Yvonne Hodge. Marcie Hodge, a candidate for Mayor of Oakland in the November 2, 2010 election, Hodge for Mayor 2010, her candidate controlled committee, and its treasurer, Yvonne Hodge, failed to timely file a first pre-election 460 campaign statement covering the period January 1, 2010, through September 30, 2010, due October 5, 2010, and a second pre-election 460 campaign statement covering the period October 1, 2010, through October 16, 2010, due October 21, 2010. **\$5,000 fine.**

Jacob Angel and Jacob Angel for Peninsula Health Care District 2012. Jacob Angel was a candidate for Peninsula Health Care District in the November 6, 2012 election, but he withdrew from the election as of May 1, 2012. Jacob Angel for Peninsula Health Care District 2012 was Mr. Angel's candidate controlled committee. They failed to establish a campaign bank account upon the filing of a statement of intention, failed to deposit all campaign contributions into, and failed to make all expenditures from a single, designated campaign bank account for Jacob Angel For Peninsula Health Care District 2012, during calendar years 2011 and 2012. Additionally, they failed to maintain the detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that campaign statements were properly filed, and to comply with the campaign reporting provisions of the Political Reform Act, during calendar years 2011 and 2012. **\$2,000 fine.**

Lela Henke-Dobroth and Friends to Elect Lela Henke-Dobroth for Judge 2010. Lela Henke-Dobroth ran for Superior Court Judge in the County of Ventura in 2010. Friends to Elect Lela Henke-Dobroth for Judge 2010 was her campaign committee. During the campaign, they received three contributions of \$1,000 or more before the date of the election but after the closing date of the last campaign statement period for which they failed to file late contribution reports. They also received two campaign contributions of \$100 or more in cash. **\$3,500 fine.**

United Faculty Political Action Committee (PAC) North Orange County Community College District and Queen Peterson, Treasurer, failed to timely file the Form 460 campaign statement covering the period July 1, 2012, through October 20, 2012, as well as the Supplemental Independent Expenditure Report covering the period October 17, 2012, both due October 25, 2012, with the Orange County Registrar of Voters. **\$400 fine.**

AFSCME Local 2006 PAC, a general purpose committee, failed to timely file the Form 460 campaign statement for the period covering January 1, 2012, through June 30, 2012, due July 31, 2012. **\$400 fine.**

Stonewall Young Democrats of San Diego and Ryan Darsey, Treasurer, failed to timely file the Form 460 campaign statement covering the period January 1, 2012, through June 30, 2012, due July 31, 2012, with the County of San Diego Registrar of Voters. **\$200 fine.**

Robert E. Bernosky, Bernosky for Assembly 2012, and Robert E. Bernosky, Treasurer, failed to timely file the Form 460 campaign statement covering the period October 1, 2012, through October 20, 2012, due October 25, 2012, with the Secretary of State. **\$200 fine.**

Linda Small for School Board 2009; Linda Small. Linda Small for School Board 2009, a committee controlled by candidate Linda Small, failed to timely file the Form 460 campaign statement covering the period January 1, 2012, through June 30, 2012, due July 31, 2012. **\$200 fine.**

Michael Touhey, Touhey for Upper San Gabriel Valley MWD- (Div 4) 2012, and Debbie Touhey, Treasurer, failed to timely file the pre-election Form 460 campaign statement covering the period October 1, 2012, through October 20, 2012, due on October 25, 2012, with the Los Angeles County Registrar of Voters. **\$200 fine.**

Lobbying Reporting Violations

California law requires lobbying entities to file registration forms and quarterly reports to provide the public with specified information. The following failed to timely file the required forms or failed to include all required information:

The Surplus Line Association of California and Joy Erven. The Surplus Line Association of California, a California lobbyist employer, and the association's Responsible Officer, Joy Erven, failed to timely file the Lobbyist Employer Report Form 635 covering the period January 1, 2012, through March 31, 2012, due April 30, 2012, failing to disclose total payments made for lobbying services in the amount of \$50,000. **\$1,000 fine.**

All Valley Engineering Corporation, Inc. failed to timely file the Lobbyist Employer Report Form 635 covering the periods July 1, 2011, through September 30, 2011, due October 31, 2011, and October 1, 2011, through December 31, 2011, due January 31, 2012, with the Secretary of State. **\$400 fine.**

Statement of Economic Interests Violations

California law requires elected officials, certain board members and governmental employees, and consultants employed by governmental entities to complete and file Statements of Economic Interests (SEIs or Form 700s). SEIs serve a dual purpose: they make a filer aware of personal economic interests relative to a governmental decision, and they are an important disclosure document for the public and media. The following individuals failed to timely file or failed to include all economic interests that were required to be disclosed in his or her SEI:

James Cameron, the Chief Financial Officer for the City of Oxnard, received gifts exceeding the reporting threshold of \$50 in 2008, and failed to report these gifts on his Annual Statement of Economic Interests covering the period January 1, 2008, through December 31, 2008, due April 1, 2009. In addition, Mr. Cameron received gifts exceeding the applicable gift limit from one source in 2008. Mr. Cameron impermissibly made, participated in the making, or influenced a governmental decision by signing and approving a Contract of Purchase for \$20,005,000 in bond anticipation notes with E.J. De La Rosa & Co., Inc., the source of the gifts that exceeded the annual gift limit. **\$6,500 fine.**

Mike More, Financial Services Manager for the City of Oxnard, received gifts exceeding the reporting threshold of \$50 in each of the years 2008 and 2009, and failed to report these gifts on his Annual Statements of Economic Interests covering the periods, January 1, 2008, through December 31, 2008, due April 1, 2009 and January 1, 2009, through December 31, 2009, due April 1, 2010. **\$2,000 fine.**

Andrea Shorter, as a member of the Commission on the Status of Women for the City and County of San Francisco, was required by the Conflict of Interest Code to file Annual Statements of Economic Interests disclosing sources of income. Ms. Shorter filed Annual Statements of Economic Interests for 2008, 2009, 2010, and 2011, but failed to report her income from the No on Proposition 8 Campaign in 2008, and failed to report her salary as the Director of Equality California, a nonprofit entity, on her 2009, 2010, and 2011 Annual Statements of Economic Interests. **\$800 fine.**

Alfonso Perez, as a Commissioner on the Entertainment Commission for the City and County of San Francisco, failed to timely file the 2011 Annual Statement of Economic Interests covering the period January 1, 2011, through December 31, 2011, due April 2, 2012. **\$400 fine.**

Ricardo Pacheco, City of Baldwin Park City Council Member, failed to timely file the 2011 Annual Statement of Economic Interests covering the period January 1, 2011, through December 31, 2011, due April 2, 2012. **\$200 fine.**

Philip Quartararo, Professional Engineers & Land Surveyors Board Member, failed to timely file the 2011 Annual Statement of Economic Interests covering the period January 1, 2011, through December 31, 2011, due April 2, 2012. **\$200 fine.**

Bruce Nissen, a member of the Colfax Elementary School District for the County of Placer, failed to timely file the 2011 Annual Statement of Economic Interests covering the period of January 1, 2011, through December 31, 2011, due April 2, 2012. **\$200 fine.**

Andrés Soto, as a Commissioner for the City of Richmond Planning Commission, failed to timely file the 2011 Annual Statement of Economic Interests covering the period January 1, 2011, through December 31, 2011, due April 2, 2012. **\$200 fine.**

Brenda Bourassa, as a Manager for the Department of Motor Vehicles, failed to timely file the 2010 Annual Statement of Economic Interests covering the period January 1, 2010, through December 31, 2010, due April 1, 2011. **\$200 fine.**

Statements of Economic Interests - Receipt of Gift Over the Limit Violation

California law imposes annual gift limits and requires that gifts received from reportable sources must be disclosed on a Statement of Economic Interests. The following accepted a gift that exceeded the annual gift limit:

Joshua D. Mitchell, Mayor of the City of Sanger, received gifts exceeding the applicable gift limit from one source in 2011. **\$200 fine.**

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