

News from the FPPC



California Fair Political Practices Commission
428 J Street, Suite 620, Sacramento, CA 95814
www.fppc.ca.gov

For Immediate Release: April 17, 2014 Contact: Jay Wierenga at (916) 322-7761

The following are enforcement decisions approved by the Fair Political Practices Commission at its regular monthly meeting held on Thursday, April 17, 2014. 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 or need further assistance, please contact the FPPC communications office at (916) 322-7761 or press@fppc.ca.gov.

Campaign Reporting

Oceanside Firefighters Association Political Action Committee, Eric Hanson and Timothy Scott, violated the Act by failing to itemize and disclose required information regarding cumulative contributions of \$100 or more in the calendar year received from union members, in five consecutive campaign statements, three semi-annual and two pre-election, for reporting periods in calendar years 2011 and 2012. They also failed to itemize and disclose the required information for contributions totaling \$121,485. This amount is 99.9% of the total contributions reported received in the identified campaign statements, and the relevant reporting periods spanned two years. Additionally, they violated the Act by failing to disclose in a semi-annual campaign statement covering the period July 1 through December 31, 2011, making a \$1,600 contribution to Jim Wood, a candidate for Mayor of Oceanside. **\$12,000 fine.**

Brown for Governor 2010-Sponsored by the San Diego and Imperial Counties Labor Council: El Cambio Empieza El Martes to Support Jerry and Xavier Martinez, failed to file a late independent expenditure report by October 19, 2010, disclosing \$126,184 in expenditures made in support of Proposition 25, failed to disclose, for the reporting period ending December 31, 2010, required subvendor information for payments totaling approximately \$90,636, and

failed to disclose, for the reporting period ending December 31, 2010, on the Summary of Expenditures page of a semi-annual campaign statement, information concerning \$126,184 in independent expenditures made in support of Proposition 25. **\$7,500 fine.**

Citizens for a Clean and Honest Local Government and Brian Hews, failed to file supplemental independent expenditure reports, covering the periods January 1, 2013, through January 19, 2013, from January 20, 2013, through February 16, 2013, and from February 17, 2013, through June 30, 2013, and failed to display a disclosure statement properly identifying the name of the committee on published advertisements opposing the re-election of Carol Chen and Cheri Kelly. **\$5,000 fine.**

Kathleen DeRosa and Committee to Elect Kathleen DeRosa for Mayor, failed to timely disclose expenditures and accrued expenses for mailers, signs, banners, handouts, mailing services, and radio advertising on campaign statements for three statement periods in 2012. **\$2,500 fine.**

Kenneth Dickson for 67th Assembly 2012 and Kenneth Dickson, failed to timely report contributions of \$5,000 or more received on August 29, 2011 and December 28, 2011. **\$1,000 fine.**

Wellstone Democratic Club of Sacramento and Kerri Asbury, failed to file four semiannual campaign statements covering the periods of July 1, 2011, through June 30, 2013, and one pre-election campaign statement for the period covering July 1, 2012, through October 20, 2012, due October 25, 2012. **\$1,000 fine.**

Hector Manuel Ortiz, Candidate and Treasurer, and Hector Manuel Ortiz City Council 2013, failed to timely file two campaign statements covering the periods January 1, 2013, through September 21, 2013, due September 26, 2013, and September 22, 2013, through October 19, 2013, due October 24, 2013, with the City of Irwindale. **\$400 fine.**

Natalie Ybarra, Candidate; Natalie Ybarra for BP City Council 2013; and Diese Benitez, failed to timely file two campaign statements covering the periods January 1, 2013, through September 21, 2013, due September 26, 2013, and September 22, 2013, through October 19, 2013, due October 24, 2013, with the City of Baldwin Park. **\$400 fine.**

Nevada County Democratic Central Committee and Rosalie Adduci, failed to timely file the pre-election campaign statement covering the period January 1, 2013, through January 26, 2013, due January 31, 2013, in either paper or electronic format, with the Secretary of State. **\$400 fine.**

Kai Stinchcombe, and Vote for Kai – Assembly 2010, failed to timely file the campaign statement covering the period July 1, 2012, through December 31, 2012, due January 31, 2013. **\$200 fine.**

Conflict of Interest

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 a governmental decision in which she had a financial interest:

Matthew J. Duaine, while employed as the Fire Marshall and Administrative Fire Captain for the Stockton Fire Department, made, participated in making, or influenced governmental decisions in which he knew or had reason to know he had a financial interest regarding the hiring and payment of salary to himself, his dependent son, and his spouse. **\$4,500 fine.**

Christopher Drop, in his capacity as the General Manager of the Manila Community Services District, participated in a governmental decision in which he knew he had a financial interest, by presenting and recommending funding of a proposed project whose projected boundaries were within 500 feet of his real property to the Manila Community Services District at the March 19, 2009, May 17, 2012, and June 21, 2012, public board meetings. **\$2,500 fine.**

Influencing Prospective Employment

California law prohibits a public official from making, participating in making, or using his or her official position to influence, any governmental decision directly relating to any person with whom he or she is negotiating, or has any arrangement concerning, prospective employment. The following officials violated this prohibition:

George Sanen, a Project Manager at Lawrence Berkeley National Laboratory, participated in making governmental decisions regarding modifications to a \$137,960 contract between the Lawrence Berkeley National Laboratory and M+W Group, USA at a time when he was negotiating, or had an arrangement concerning, prospective future employment with M+W Group, USA. **\$3,500 fine.**

Lobbyist Arranged Gifts

Jeff Miller, was a state Assembly Member from 2008 to 2012. In November 2011, Mr. Miller knowingly received a gift from the San Francisco Forty Niners arranged by lobbying firm Sloat Higgins Jensen & Associates. **\$1,000 fine.**

Mass Mailing

California law requires that mass mailings include complete disclosure statements with specified information. The following failed to display a complete disclosure statement:

The City of Temecula and Jeff Comerchero, on or about July 12, 2012, and June 27, 2013, sent two brochures, at public expense, featuring Mr. Comerchero, an elected member of the Temecula City Council, with a message by, signature of and photo of Mr. Comerchero. **\$4,000 fine.**

Christian Voters For a More Transparent Government In East County and Bonnie Burns Price, on or about October 6, 2012, paid for and caused to be sent a mailer opposing the

reelection of Tony Ambrose, Bob McClellan, and Bill Wells to the El Cajon City Council, which failed to include proper sender identification. **\$2,000 fine.**

Slate Mailer

Parent Teachers Action Voter Guide, Patrick Furey Jr. and Gary Crummitt, produced and distributed a slate mailer that failed to include the required "Notice to Voters" disclaimer. **\$1,750 fine.**

Receipt of Gift Over the Limit

California law prohibits state and local elected officeholders, candidates for elective state, local, and judicial offices, and all other officials specified in California Government Code Section 87200 from accepting any gift, from any single source, that is in excess of the adjusted annual gift limit. The following public official received a gift over the limit:

Steven T. Nichols, former Assistant Electric Director for the City of Redding, received eighteen gifts exceeding the reporting threshold of \$50 and failed to report these gifts on his Annual Statements of Economic Interests. In addition, Mr. Nichols accepted gifts that exceeded the applicable gift limit from one source in 2010, 2011, and 2012. **\$5,500 fine.**

Steven Neal, as Council Member for the City of Long Beach, received a gift of tickets for the Long Beach Jazz Festival valued at \$555 from Rainbow Promotions, exceeding the \$420 gift limit applicable in 2012. **\$200 fine.**

Major Donor Reporting

A major donor is an individual or entity who makes contributions totaling \$10,000 or more in a calendar year and is required to file campaign reports detailing how much was contributed and to whom. The following failed to file major donor reports as required by law:

Gary Grossman, failed to timely file a Major Donor Report (Form 461) disclosing three contributions made during the period of January 1, 2013, through December 31, 2013, due January 31, 2014, with the County of San Luis Obispo. **\$400 fine.**

Statement of Economic Interests – Non-Filer

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 an SEI:

James McGhee, a member of the California Board of Psychology until June 1, 2011, failed to file a Leaving Office Statement of Economic Interests within 30 days after leaving office. **\$4,000 fine.**

Doris Lasiter, Birmingham Community Charter HS Interim Principal/CEO, failed to timely file her 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, by the April 2, 2013 due date. **\$400 fine.**

Robert Hesse, Security & Investigative Services Bureau PSD Board Member, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, by the April 2, 2013 due date. **\$200 fine.**

Delmar Greenleaf, as a Physician for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 1, 2013. **\$200 fine.**

Neal P. Ridge, as a Physician for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 1, 2013. **\$200 fine.**

Larry A. Dileo, as a Physician for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 1, 2013, in violation of Government Code Section 87300 (1 count). **\$200 fine.**

Stephen Smith, ICEF Public Schools Board Member, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013. **\$200 fine.**

Grewen B. Palomero, as a Physician for the California Correctional Health Care Services, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 1, 2013. **\$200 fine.**

Thomas McKnight, as a Planning Commissioner for the County of Trinity, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 1, 2013. **\$200 fine.**

Bridgid Coulter, ICEF Public Schools Board Member, failed to timely file her 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013. **\$200 fine.**

W.V. Graham Matthews, as a Planning Commissioner for the County of Trinity, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 1, 2013. **\$200 fine.**

Roberto Reyes, City of Richmond Planning Commissioner, failed to timely file his combined Assuming Office and 2012 Annual Statement of Economic Interests covering the period February 15, 2010, through December 31, 2012, due April 2, 2013. **\$200 fine.**

Roselle S. Branch, as a Physician for the California Correctional Health Care Services, failed to timely file her 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 1, 2013. **\$200 fine.**

Justin Weissman, LA Leadership Academy & Primary Board Member, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013. **\$200 fine.**

Mark T. Baker, Lakeside Community Planning Group Board Member, failed to timely file his 2012 Annual Statement of Economic Interests covering the period January 1, 2012, through December 31, 2012, due April 2, 2013. **\$200 fine.**

Proactive Non-Reporting Gift Cases

Luis Villegas, as a Trustee of the Santa Barbara Community College District, failed to timely disclose gift(s) of: golf and meals totaling \$230.74 on his 2011 Statement of Economic Interests. All gifts were from E.J. De La Rosa & Co., Inc. **\$200 fine.**

Steve Williams, as the Palmdale City Manager, failed to timely disclose gift(s) of: two meals totaling \$371.59 on his 2009 Statement of Economic Interests. All gifts were from E.J. De La Rosa & Co., Inc. **Fine: \$200.**

Closed Session Item

Administrative Hearing: Bill Berryhill, Tom Berryhill, Bill Berryhill For Assembly - 2008, Berryhill For Assembly 2008, Stanislaus Republican Central Committee, and San Joaquin County Republican Central Committee/Calif. Republican Victory Fund (FPPC No. 10/828). **The Commission took the matter under submission.**

###