

# News from the FPPC



California Fair Political Practices Commission  
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## FPPC Enforcement Decisions: June 10, 2010

The following are enforcement decisions approved by the Fair Political Practices Commission at its regular monthly meeting held in Sacramento on Thursday, June 10, 2010. 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 June agenda on the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov). FPPC agendas are distributed and posted on the agency website 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.

### Campaign Reporting Violations

**Mary Ann Andreas, Andreas for Assembly, Marta Baca, and Phyllis Nelson.** Mary Ann Andreas was a candidate for the California State Assembly, Andreas for Assembly was her controlled committee, and Marta Baca and Phyllis Nelson were the committee treasurers at different points in time. Respondents: (i) failed to report or timely report late contributions on late contribution reports; (ii) failed to report payments to subvendors; (iii) failed to report contributions received; (iv) made/accepted an over-the-limit personal loan to Andreas for Assembly; (v) failed to file two amended statements of organization regarding changes in the names of the treasurer and assistant treasurer of Andreas for Assembly; and, (vi) accepted monetary contributions totaling approximately \$9,400 in the form of three cashier's checks or money orders for \$100 or more, which were not drawn from the bank accounts of the contributors or donors. **\$26,500 fine.**

**Craig W. Morgan and Avalex Inc.** This matter relates to the election of the board of directors for the Imperial Irrigation District. Craig W. Morton serves as President of Avalex, Inc., which does business in the Imperial Valley. They failed to file two late independent expenditure reports disclosing a total of \$16,494.38 in May and June 2008, and sent two mass mailings without proper sender identification in May and June 2008. **\$12,000 fine.**

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**Jennifer Rodriguez, Committee to Elect Jennifer Rodriguez, Rogelio Rodriguez, and Gerardo Rodriguez.** Jennifer Rodriguez has been serving on the Bell Gardens City Council since her election in 2003 and is currently mayor pro tem. The Committee to Elect Jennifer Rodriguez was her candidate-controlled committee and Rogelio Rodriguez was the committee's treasurer during the time of the 2005 local election. Gerardo Rodriguez was the committee's treasurer during the time of the 2007 local election. They failed to disclose expenditures made, failed to timely file a first pre-election campaign statement, and failed to maintain required campaign records. **\$7,500 fine.**

**Bryan Batey, Committee to Elect Bryan Batey, and Lisa King.** Bryan Batey was a candidate for the Kern High School District Board of Trustees, Committee to Elect Bryan Batey was his controlled committee, and Lisa King was the committee's treasurer. For the reporting periods ending September 30, 2006 and October 21, 2006, they failed to report payments to subvendors. **\$5,000 fine.**

**Mike Ten, Ten for State Senate, Mike Ten for City Council, and Mike Ten, Treasurer for Ten for State Senate and Mike Ten for City Council.** Mike Ten, as a candidate for both South Pasadena City Council and the California State Senate, and his controlled committees, Ten for State Senate and Mike Ten for City Council, with Mike Ten as treasurer, failed to timely file two semi-annual statements. **\$800 fine.**

**R.J. Kelly for Water Board and R.J. Kelly.** R.J. Kelly and his committee, R.J. Kelly for Water Board, located in Newhall, failed to timely file three semi-annual campaign statements. **\$600 fine.**

#### Statements 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 file their Statement of Economic Interests forms on time:

**Debbie Thompson** served with SMUD as an Energy Specialist, Energy Specialist I, and Energy Specialist II. The positions of Energy Specialist I and II are designated positions in the SMUD Conflict of Interest Code. She failed to file a leaving office Statement of Economic Interests for her position as Energy Specialist I. **\$5,000 fine.**

**Viviana Wolinsky**, Patent Attorney/Agent with the University of California Lawrence Berkeley National Laboratory, failed to file a 2006 annual Statement of Economic Interests by the April 2, 2007, deadline. **\$2,000 fine.**

**Jeffrey Kongsli** served as Santa Cruz Downtown Commissioner, a designated position in the conflict of interest code for the City of Santa Cruz. He failed to timely file an assuming office Statement of Economic Interests, a 2007 annual Statement of Economic Interests, a 2008 Statement of Economic Interests, and a leaving office Statement of Economic Interests. **\$4,000 fine.**

**Robert Herrera**, Planning Commissioner for the County of Imperial, failed to timely file a 2007 annual Statement of Economic Interests and a 2008 annual Statement of Economic Interests. **\$1,500 fine.**

**Ruth Lopez-Novodor**, a designated employee of the California Citizens Compensation Commission, failed to file an assuming office and annual Statements of Economic Interests for the years 2007, 2008, 2009, and 2010. **\$800 fine.**

**Cindy Lashbrook**, Planning Commissioner for the County of Merced, failed to timely file her 2007 annual Statement of Economic Interests. **\$600 fine.**

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**Eric Reyes**, City of Brawley Planning Commissioner, failed to file a 2008 annual Statement of Economic Interests. **\$400 fine.**

**Jaime Risner**, former Gazelle Elementary School District governing board member, failed to file assuming and leaving office Statements of Economic Interests by the deadlines of November 2, 2007, and January 30, 2009, respectively. **\$400 fine.**

The following individual failed to include all economic interests that were required to be disclosed in the Statement of Economic Interests:

**Patrick Moloney** was the Executive Director of the Pilot Commission for the Bays of San Francisco, San Pablo and Suisun until October 30, 2009. He accepted gifts from the San Francisco Bar Pilots in excess of the gift limits; one valued at approximately \$2,292, in excess of the \$360 annual gift limit in 2006, and the second valued at approximately \$2,976, in excess of the \$390 annual gift limit for 2007. **\$4,000 fine.**

**Douglas Manchester**, California Travel and Tourism Commissioner, assumed office in approximately October 2007, but when he filed his assuming office Statement of Economic Interests, he failed to disclose an investment of more than \$1,000,000 in Host Hotels and Resorts. **\$200 fine.**

#### Late Contribution Reporting Violation

When contributions of \$1,000 or more are made during the final days of an election—the time between the last campaign report required to be filed and the end of the election—late contribution reports must be filed within 24 hours of making or receiving the “late” contribution. The following failed to file a late contribution report as required by law:

**The Church of Jesus Christ of Latter-day Saints** failed to timely report making late non-monetary contributions totaling \$36,928 in connection with the November 4, 2008, General Election. **\$5,539 fine.**

#### Major Donor Violation

A major donor is a person 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 and late contribution reports as required by law:

**James Marshall**, who qualified as a major donor committee in the first half of 2008, failed to timely file four semi-annual campaign statements, disclosing contributions totaling \$39,100 in 2008 and \$13,000 in 2009. **\$800 fine.**

**David R. Lewis** of Upland, failed to timely file a semi-annual campaign statement disclosing contributions totaling \$12,096 in 2007. **\$400 fine.**

**Richard A. Lewis** of Upland, failed to timely file a semi-annual campaign statement disclosing contributions totaling \$12,191 in 2005. **\$400 fine.**

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