

Fair Campaign Practices Commission

AGENDA FOR FAIR CAMPAIGN PRACTICES COMMISSION

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

North Berkeley Senior Center
1901 Hearst Street
Classroom C (Upstairs)

Regular Meeting
October 20, 2016
7:00 p.m.

Secretary: Savith Iyengar, Deputy City Attorney

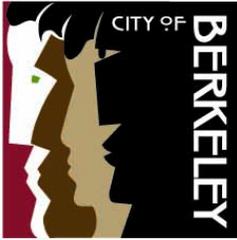
The Commission may act on any item on this agenda

1. Call to Order 7:00 p.m.
2. Roll Call.
3. Public Comment. *Comments on subjects not on the agenda that are within the Commission's purview are heard at the beginning of meeting. Speakers may comment on agenda items when the Commission hears those items.*
4. Reports.
 - a. Report from Chair.
 - b. Report from Staff.
5. Approval of minutes for the September 29, 2016 special meeting.
6. Staff report regarding BERA enforcement activities.
7. Adjournment.

Communications

None.

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information. **SB 343 Disclaimer:** Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City Attorney's Office located at 2180 Milvia St., 4th Floor, Berkeley, CA.



Fair Campaign Practices Commission

MINUTES

North Berkeley Senior Center
1901 Hearst Street
Classroom C (Upstairs)

Special Meeting
September 29, 2016

Members Present: Brad Smith (Chair), Dean Metzger (Vice Chair), Mark McLean, Patrick O'Donnell, Dave Ritchie, Sherry Smith, Emma Soichet

Members Absent: Alex Mabanta (excused)

Also Present: Savith Iyengar, Secretary/Deputy City Attorney

1. **Call to Order**

Chair called the meeting to order at 7:03 p.m.

2. **Roll Call**

Roll call taken.

3. **Public Comment (items not on agenda)**

No public comment on matters not on agenda. One member of the public in attendance.

– *Commissioners Soichet and McLean arrived at 7:05 p.m.* –

4. **Reports**

- a. Report from Chair.
- b. Report from Staff.
- c. Report from loan subcommittee.

Chair noted update to complaint form pursuant to Commission action. Staff discussed training on August 16, 2016, FPPC advice letters, and update to mass mailings certification form per Commission action. No report from loan subcommittee.

5. **Approval of minutes for the July 21, 2016 meeting**

- a. Public comment: no speakers.
- b. Commission discussion and action.

Motion to approve minutes (M/S/C: Ritchie/O'Donnell; Ayes: B. Smith, Metzger, McLean, O'Donnell, Ritchie, S. Smith; Noes: None; Abstain: Soichet; Absent: Mabanta (excused)).

6. **Staff report regarding BERA enforcement activities.**

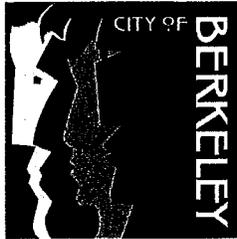
- a. Public comment: no speakers.
- b. Commission discussion and action.

No action taken.

7. **Adjournment**

Motion to adjourn (M/S/C: Ritchie/O'Donnell; Ayes: B. Smith, Metzger, McLean, O'Donnell, Ritchie, S. Smith, Soichet; Noes: None; Abstain: None; Absent: Mabanta (excused)).

The meeting adjourned at 7:40 p.m.



Fair Campaign Practices Commission

DATE: October 20, 2016

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: SAVITH IYENGAR, FCPC Secretary/Staff Counsel ^{SI} 10/13/16

SUBJECT: UPDATED REPORT RE: BERA Enforcement Activities

As the Commission Secretary reported on September 29, 2016, the City Clerk's Office and Commission Secretary are reviewing disclosures filed with the City through the instant election cycle, including local Statements of Organization, state Forms 410, 460, 461, 470, 497, 501, and mass mailing certifications. Staff's review is ongoing.

On September 19 and 20, 2016, the Commission Secretary sent twenty letters to candidate-controlled committees and four letters to ballot measure committees requiring amendments to Form 460 campaign statements. The Commission Secretary requested that committees respond by September 30, 2016. As committees responded, they were advised to file amended campaign statements by October 6, 2016. As of October 12, 2016, the Commission Secretary has heard from all twenty-four committees, which have agreed to amend or have already amended their campaign statements.

The Commission Secretary will provide additional details regarding its investigation at the Commission's regular meeting on October 20, 2016. As the Commission Secretary previously reported, its investigation indicates the following potential BERA violations:

- Contribution exceeding maximum permitted amount (two committees affected).
- Missing occupation and employer information (twenty-one).
- Missing or incorrect address information (eighteen).
- Refunded contributions listed incorrectly (seven).
- Incomplete contributor name (four).
- Failure to specify "PAC" and FCPC number after contributor name (three).
- Reimbursements listed as payments without identifying original payee (two).
- Incorrect categorization of miscellaneous increases to cash (two).
- Incorrect committee name (one).
- Incorrect contributor total (one).
- Incorrectly listed nonmonetary contributions (one).
- Incorrect contributor/payees information (one).