

January 21, 2021

Final determination regarding FPPC complaints regarding Political Reform Act

The Fair Political Practices Commission has officially and finally determined that complaints filed against Supervisors Gerry Hemmingsen, Chris Howard, Lori Cowan, and Bob Berkowitz, as well as County Administrative Officer Jay Sarina and Emergency Services Manager Kymmie Scott in relation to the Political Reform Act are without merit.

The FPPC Enforcement Division has further determined that actions taken by the County to inform voters did not violate the PRA that regulates such matters, and any and all allegations of legal inconsistency are in all actuality, false. As stated in the response letter(s) to complainants Donna Westfall and Linda Sutter (sworn complaint witnessed by Roger Gitlin and Wesley Nunn) the matter has been closed by the FPPC and no enforcement action will be pursued due to insufficient evidence.

After all complaints filed, were denied by the FPPC Enforcement Division, the Complainant then filed a request for reconsideration of the complaint with the Executive Director's Office of the FPPC. The request for reconsideration was reviewed and found to have no good cause that would direct the Chief of the Enforcement Division to reopen this matter. It was found that the mailers prepared by the County of Del Norte did not expressly advocate or unambiguously urge a particular result for or against Measure R as defined in the statute and regulations. Additionally, the Enforcement Division concluded that both the robocalls and the mailers were informational in nature and presented possible outcomes should Measure R be approved by the voters. The use of a consultant is not prohibited by the Act. Therefore, the request for reconsideration under Regulation 18360, subdivision (d) was denied and the matter will remain closed.

I KNOW YOU HAVE BEEN FOLLOWING
THIS, BUT W/ CLOSURE COMES REASONS
WHY. I THINK THIS IS WORTH SHARING
WITH THE COMMUNITY.

THANK YOU
CHRIS



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

December 23, 2020

Linda Sutter
[REDACTED]

Re: Reconsideration of Sworn Complaint Against Sarina, Scott, Hemmingsen, Cowan, Howard, Berkowitz (COM-10282020-02957)

Dear Ms. Sutter:

This letter is in response to your request for reconsideration of the complaint against the above-named Del Norte County officials, collectively the "County of Del Norte". The complaint you filed in October 2020 alleged potential violations of the Political Reform Act (the "Act"), specifically the prohibition against campaign related communications sent at public expense.¹ After a review of the initial complaint, Enforcement Division staff declined to open a case because they concluded that there was insufficient evidence of a violation of the Act.

You subsequently requested that the Enforcement Division revisit your request for an investigation. Your complaint alleges that the County of Del Norte violated the Act's prohibition on campaign related communications sent at public expense when it hired a consultant to assist on the Measure R messaging, disseminated robocalls to voters regarding Measure R, and distributed mailers to voters regarding Measure R.

Your request for reconsideration has been reviewed and there is no good cause to direct the Chief of the Enforcement Division to reopen this matter. The mailers prepared by the County of Del Norte do not expressly advocate or unambiguously urge a particular result for or against Measure R as that is defined in the statute and regulations. Additionally, the Enforcement Division concluded that both the robocalls and the mailers were informational in nature and presented possible outcomes should Measure R be approved by the voters. The use of a consultant is not prohibited by the Act.

Therefore, your request for reconsideration under Regulation 18360, subdivision (d) is denied.

Sincerely,

Galena West

Galena West
Executive Director
Fair Political Practices Commission

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Kimberly Rawnsley

From: Linda Sutter <[REDACTED]>
Sent: Tuesday, December 01, 2020 5:16 PM
To: Chloe Hackert
Subject: Re: FPPC COM-10282020-02957

EXTERNAL EMAIL

Dear Chloe Hackert,

I am in receipt of your correspondence which basically states, the FPPC has determined that Del Norte County utilizing 40,000.00 for mass mailings was justified because it was an educational correspondence.

With that said, I am confused by FPPC 89001 which states the following;

Public Moneys. Any of the costs of distribution are paid for with public moneys, or if public funds are not used for the actual distribution, in excess of \$50 in public moneys is used to design, produce, or print the item and the design, production, or printing is done with the intent of sending the item other than as permitted by the Act.

1. **Mass Mailing.** More than 200 substantially similar items are sent in a calendar month, excluding any item sent in response to an unsolicited request.

Additionally, the copy of the contract that demonstrated the cost of the mass mailings you determined was not relevant because it fell under "educational literature?"

Apparently, Howard Jarvis Tax Association agreed with me along with the Secretary of State that this was in violation of 89001. So I humbly ask if you could direct me to the portion of law that describes the educational mass mailings using public funds is appropriate.

Thank You for your time,

Linda Sutter

On Tuesday, December 1, 2020, 10:32:01 AM PST, Chloe Hackert <chackert@fppc.ca.gov> wrote:

Good morning,

Please see the attached correspondence in response to the complaint you submitted to the Enforcement Division of the Commission.

Sincerely,



Chloe Hackert

Political Reform Consultant | Enforcement Division

CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000 | Sacramento, CA 95811

916.322.8190 | chackert@fppc.ca.gov

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Kimberly Rawnsley

From: Linda Sutter [REDACTED]
Sent: Tuesday, December 08, 2020 6:41 PM
To: Chloe Hackert
Subject: fppc reconsideration for case # 10282020-02957
Attachments: Agenda_07.14.2020.pdf; Agenda_07.28.2020.pdf

EXTERNAL EMAIL

Good Morning Chloe,

attached are a couple of documents for supporting documentation that should have gone with the reconsideration request i sent you. could you please place these documents with the paperwork i sent to you?



A G E N D A
BOARD OF SUPERVISORS
DEL NORTE COUNTY
STATE OF CALIFORNIA
VIA Zoom
(media.co.del-norte.ca.us)
CRESCENT CITY, CA 95531

TUESDAY, JULY 14, 2020

REGULAR MEETING

10:00 AM

*The Board of Supervisors of the County of Del Norte and the governing body of all other special assessment and taxing districts, for which said Board so acts, is now meeting in regular session. Only those items that indicate a specific time will be heard at the assigned time. All other items may be taken out of sequence to accommodate the public and staff availability. Items followed with a ** indicate material attached in the agenda packet.*

A closed session may be held at some time during the meeting to discuss litigation and/or personnel matters. There is a 90-day statute of limitations relating to decisions rendered after a public hearing of the Board of Supervisors and a 60-day statute of limitations relating to ministerial actions of the Board of Supervisors. NOTE: If you challenge the decision of the Board of Supervisors in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in the notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing. (Govt. Code § 65009). When providing written correspondence to the Board of Supervisors you must provide a copy to the Clerk of the Board for inclusion in the official record.

Due to the ongoing COVID-19 issues, the Governor of the State of California has issued Executive Order N-29-20 and Order N-25-20 establishing social distancing measures and suspending provisions of the Brown Act. For this reason we ask that you:

PLEASE SUBMIT ANY PUBLIC COMMENTS AHEAD OF TIME IF AT ALL POSSIBLE. Please visit <http://www.co.del-norte.ca.us/> for a public comment form. Your comment will be limited to 3000 characters. Your comment will be read aloud during the public comment period. Please submit only one comment per agenda item and only one general public comment.

VIEW THE MEETING AND COMMENT REMOTELY. A link to view the meeting will be posted on <http://www.co.del-norte.ca.us/>. Public comment on ALL agenda items as well as general public comment will be taken at the prescribed time for public comment via instructions provided on the website. Please submit only one comment per agenda item and only one general public comment.

IF YOU REQUIRE AN ACCOMMODATION DUE TO DISABILITY under the Americans with Disability Act that does not allow you to participate remotely or provide written comment ahead of the meeting **YOU MUST** notify the Clerk of the Board at least 24 HOURS in advance of the meeting and a reasonable accommodation will be made.

CLOSED SESSION 8:30 A.M.

Public Comment on Closed Session items only.

Hold a closed session to consider and discuss litigation and personnel matters: Conference with Legal Counsel- Existing litigation pursuant to Government Code 54956.9(d)(1) - none; Anticipated litigation 1) significant exposure to litigation pursuant to Govt' Code 54956.9(d)(2)-none 2) Initiation of litigation Conference with Legal Counsel pursuant to Govt' Code 54956.9(d)(4) – none; Pursuant to 54957(b)(1) Conference with Labor Negotiators pursuant to Government Code 54957.6 between County Negotiator: Jay Sarina, CAO and Employee Organization: SEIU, SEA; Threat to public services/ facilities pursuant to 54954.5(e): Name of Applicable Agency Rep. and Title: County Administrative Officer/ Director of Emergency Services re COVID-19.

REGULAR SESSION 10:00 A.M.

10:00 A.M. Call the meeting to order and take roll.

- Moment of Reflection
- The Pledge of Allegiance to be led by Lori Cowan, District 2 Supervisor.
- Introduction of new employees to the Board of Supervisors
- Report of any actions from closed session by County Counsel.
- The Chair requests any deletions, corrections or additions from Board members to the agenda at this time. In order to add an item to the agenda, the matter must have come to the attention of the County subsequent to the posting of the agenda and the matter requires action before the next regular meeting of the Board of Supervisors.
- Receive other brief reports or announcements relative to the County of Del Norte programs and projects, progress of the two by two committees, goal committees and/or Board and staff travel/training reports.

CONSENT AGENDA

Comments from members of the public may be heard at this time regarding matters on the Consent Agenda only.

1. Approve and adopt Minutes from the June 23, 2020 Board of Supervisors meeting.**
2. Approve and adopt Minutes from the June 25, 2020 Special Board of Supervisors meeting.**
3. Approve and authorize the Agricultural Commissioner to sign the Cooperative Agreement between Del Norte County and the California Department of Food and Agriculture, Division of Measurement Standards for the Petroleum Contract from July 01, 2020 through June 30, 2021 as requested by the Agricultural Commissioner.**
4. 1) Approve the elimination of one and a half (1.5) Victim Witness Aide I/II positions; 2) establish one (1) additional Victim Witness Advocate I/II position for the District Attorney's office; and 3) direct Human Resources to amend the adopted staffing chart as requested by the Human Resources/Risk Manager.**
5. Approve and authorize the Acting Director of Child Support Services to enter into an annual agreement between Del Norte Child Support Services and Christine Doehle, Attorney, for attorney services totaling no more than \$73,000 for fiscal year 2020/2021, as requested by the Acting Director of Child Support Services.**
6. Approve and authorize the Chair and Director of Health and Human Services to sign a Memorandum of Understanding with Northern Rural Training and Employment Consortium (NoRTEC) effective July 1, 2020 through June 30, 2022, as requested by the Director of Health and Human Services.**
7. Approve and authorize the Chair to sign the Amendment with Gary C. Ernst Consulting for consultation on administrative and fiscal activities effective July 1, 2018 through June 30, 2020. This amendment increases the budget for FY 2019-20 only from \$15,000 to \$18,000, as requested by the Director of Health and Human Services.**
8. Approve and authorize the Chair to sign a Memorandum of Understanding with Sacramento County Human Assistance to provide Cash Assistance Program for Immigrants (CAPI) for the period of July 1, 2020 through June 30, 2025, as requested by the Director of Health and Human Services.**

9. Approve and authorize the Chair to sign the third Amendment to the Agreement with Restpadd, Inc., Red Bluff, CA to provide non-hospital acute psychiatric health care services from July 1, 2017 through June 30, 2020. This Amendment increases the total budget from \$420,000 to \$620,000 as this facility has been utilized more than anticipated, as requested by the Director of Health and Human Services.**
10. Approve and adopt a Resolution of the Del Norte County Board of Supervisors In Support of Law Enforcement and Public Safety, as requested by Supervisor Berkowitz.**
11. Approve and adopt a Proclamation in Support of Equality and Accountability.**
12. Approve the Classification descriptions for 1) Behavioral Health Program Coordinator and 2) Human Services Housing Services Manager I/II positions on behalf of the Department of Health and Human Services, as requested by County Administrative Officer.**

SCHEDULED ITEMS

13. 10:25 A.M. COMMENT PERIOD: Members of the public may address the Board on matters which are within the jurisdiction of the Board. If you are addressing the Board regarding a matter listed on the agenda, you may be asked to hold your comments until the Board takes up that matter. Please limit your comments to three minutes or less.
14. 10:30 A.M. COVID-19 Update (Dr. Warren Rehwaldt, Del Norte County Public Health Officer)
15. 10:45 A.M. Elk Hoof Disease Presentation (Shawn Fresz, California Department of Fish and Wildlife)

REGULAR ITEMS

GENERAL GOVERNMENT:

16. Approve the Assistant County Counsel position to start at Range AA-1 Step C, effective the date of hire, as requested by County Counsel.**
17. Discuss and give possible direction to staff regarding the contents of the sales and use tax ordinance to be placed on the November ballot, including the citizen oversight provision, as requested by County Counsel.

BUDGET TRANSFERS:

18. Approve and adopt Budget Transfer #06-11 in the amount of \$35,000.00 from the General Fund Contingency Budget to the Public Defender Budget, as requested by Assistant County Administrative Officer.**

LEGISLATIVE AND BUDGET ISSUES:

Consider miscellaneous legislative and budget matters pertinent to the County of Del Norte. Authorize the Chair to sign and send appropriate letters with respect to matters pending before the state or federal governments.

19. Approve and authorize the purchase of a Verisight Pro Plus Pipeline Video Inspection System for an amount not to exceed \$12,685.00 for the County Service Area No. 1 as requested by the Director of the Community Development Department.**
20. Approve and authorize the purchase of one Caterpillar M320F Excavator at a price not to exceed \$345,000.00 being purchased by SB 1 funding as requested by the Director of the Community Development Department**
21. Establish, eliminate, reclassify and/or adjust positions as outlined in the attached spreadsheet labeled Attachment A - FY 20-21 Proposed Staffing Changes, as requested by County Administrative Officer.**

ADJOURNMENT

(Next meeting is July 28, 2020)

Kylie Goughnour, Clerk of the Board
County of Del Norte, State of California

Date Posted: July 10, 2020

THE AGENDA AND ACTION SUMMARY ARE AVAILABLE ON THE COUNTY WEBSITE:
www.co.del-norte.ca.us



A G E N D A
BOARD OF SUPERVISORS
DEL NORTE COUNTY
STATE OF CALIFORNIA
VIA Zoom
(media.co.del-norte.ca.us)
CRESCENT CITY, CA 95531

TUESDAY, JULY 28, 2020

REGULAR MEETING

10:00 AM

*The Board of Supervisors of the County of Del Norte and the governing body of all other special assessment and taxing districts, for which said Board so acts, is now meeting in regular session. Only those items that indicate a specific time will be heard at the assigned time. All other items may be taken out of sequence to accommodate the public and staff availability. Items followed with a ** indicate material attached in the agenda packet.*

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Due to the ongoing COVID-19 issues, the Governor of the State of California has issued Executive Order N-29-20 and Order N-25-20 establishing social distancing measures and suspending provisions of the Brown Act. For this reason we ask that you:

PLEASE SUBMIT ANY PUBLIC COMMENTS AHEAD OF TIME IF AT ALL POSSIBLE. Please visit <http://www.co.del-norte.ca.us/> for a public comment form. Your comment will be limited to 3000 characters. Your comment will be read aloud during the public comment period. Please submit only one comment per agenda item and only one general public comment.

VIEW THE MEETING AND COMMENT REMOTELY. A link to view the meeting will be posted on <http://www.co.del-norte.ca.us/>. Public comment on ALL agenda items as well as general public comment will be taken at the prescribed time for public comment via instructions provided on the website. Please submit only one comment per agenda item and only one general public comment.

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CLOSED SESSION 8:30 A.M.

Public Comment on Closed Session items only.

Hold a closed session to consider and discuss litigation and personnel matters:
Conference with Legal Counsel- Existing litigation pursuant to Government Code 54956.9(d)(1) In re application of Pacificorp/Klamath Renewal Corp. FERC P-2082 062; Gilbert v. County of Del Norte et al. CVUJ-2020-1091; Anticipated litigation 1) significant exposure to litigation pursuant to Govt' Code 54956.9(d)(2)-one 2) Initiation of litigation Conference with Legal Counsel pursuant to Govt' Code 54956.9(d)(4) – none; Pursuant to 54957(b)(1) Conference with Labor Negotiators pursuant to Government Code 54957.6 between County Negotiator: Jay Sarina, CAO and Employee Organization: SEIU, SEA; Threat to public services/ facilities pursuant to 54954.5(e): Name of Applicable Agency Rep. and Title: County Administrative Officer/ Director of Emergency Services re COVID-19; Conference with Real Property Negotiation pursuant to Government Code 54956.8 Property: Airport (APN 101-010-017 000) Agency Negotiator: Jay Sarina Negotiating parties: County (Jay Sarina) and BCRAA (Randy Hooper) Under Negotiation: terms of lease extension including price and payment. Public Employee Evaluation: Director of Health and Human Services.

REGULAR SESSION 10:00 A.M.

10:00 A.M. Call the meeting to order and take roll.

- Moment of Reflection
- The Pledge of Allegiance to be led by Chris Howard, District 3 Supervisor.
- Introduction of new employees to the Board of Supervisors
- Report of any actions from closed session by County Counsel.
- The Chair requests any deletions, corrections or additions from Board members to the agenda at this time. In order to add an item to the agenda, the matter must have come to the attention of the County subsequent to the posting of the agenda and the matter requires action before the next regular meeting of the Board of Supervisors.
- Receive other brief reports or announcements relative to the County of Del Norte programs and projects, progress of the two by two committees, goal committees and/or Board and staff travel/training reports.

CONSENT AGENDA

Comments from members of the public may be heard at this time regarding matters on the Consent Agenda only.

1. Approve and adopt Minutes from the July 14, 2020 Board of Supervisors meeting.**
2. Approve and adopt a Proclamation honoring the 19th Amendment Centennial as requested by the Crescent City Women's Club.**
3. Approve and authorize the Chair to sign the Annual Subvention Certificate of Compliance and Annual Medi-Cal Cost Avoidance Program Certificate of Compliance with the California Department of Veterans Affairs as requested by the Veterans Service Office.**
4. 1) Approve and adopt a Resolution ordering the consolidation of the Statewide General Election that is to be held on November 03, 2020 with all local City and District Elections in Del Norte County; and 2) authorize and direct the Registrar of Voters to bill the jurisdictions for costs incurred as requested by the Del Norte County Registrar of Voters.**
5. Approve and authorize the Chair to sign the First Amendment to the Memorandum of Understanding (DNCO Agree #2017-095) between the County of Del Norte and Superior Court of California for janitorial services as requested by the County Administrative Officer.**
6. Approve and authorize the Chair to sign the Cooperative Agreement for Subaward Homeland Security Grant Program (HSGP) funding between the Office of Emergency Services and the Del Norte Unified School District as requested by the Office of Emergency Services Manager.**
7. Approve and authorize the Chair to sign the Agreement between California Auto Image and the Del Norte County Sheriff's Department to provide insurance cosmetic repairs and other services for vehicles as well as county, criminal and evidence towing services as requested by the Sheriff-Coroner.**
8. Approve and authorize the Chair to sign the 2020/21 Agreement between the Del Norte County Sheriff's Department and Dr. James N. Olson for post mortem services as requested by the Sheriff-Coroner.**
9. Approve and authorize the Chair to sign the 2020/21 Agreement between the Del Norte County Sheriff's Department and George's Auto and Diesel Electric to provide vehicle services and tune ups in specialty situations as requested by the Sheriff-Coroner.**

10. Approve and authorize the Chair to sign the 2020/21 Agreement between the Del Norte County Sheriff's Department and Mojgan Arshi, D.D.S., for dental services for Del Norte County Jail inmates as requested by the Sheriff-Coroner.**
11. 1) Approve and authorize the Director of Building Maintenance and Parks to sign the attached Agreement with Smart Business Resource Center/Smart) to provide work experience for their clients and assist Del Norte County with projects; and 2) delegate signature authority to the Director of Building Maintenance and Parks to sign all future Agreements with Smart to make the process much more efficient as requested by the Director of Building Maintenance and Parks.**
12. 1) Approve and authorize the Chair to sign the Amendment to Del Norte County Agreement #2020-009 extending the term of the Agreement from July 31, 2020 to September 18, 2020; and 2) approve and authorize the Chair to sign the Amendment to Del Norte County Agreement #2020-032 extending the term of the Agreement from August 31, 2020 to October 18, 2020 for the County Service Area #1 and Crescent City Lift Station Rehabilitation Project as requested by the Assistant County Engineer.**
13. Approve and adopt a Resolution amending Resolution #2020-033 supporting Law Enforcement and Public Safety to include District Attorney Investigators as requested by Chair Hemmingsen.**
14. Approve and authorize the Chair to sign the Cooperative Agreement for Subaward Homeland Security Grant Program (HSGP) funding between the Office of Emergency Services and the Gasquet Fire Protection District as requested by the Office of Emergency Services Manager.**
15. 1) Approve the Mental Health Services Act Three Year Plan for FY 2020-23 and authorize the budgets included in the plan; and 2) authorize Heather Snow, Director of the Department of Health and Human Services (DHHS), to sign the plan on behalf of DHHS as requested by the Director of Health and Human Services.**
16. Approve and authorize the Chair to sign the Agreement with Aurora Behavioral Healthcare, Santa Rosa, LLC to provide non-hospital psychiatric inpatient services from July 01, 2019 through June 30, 2021, not to exceed \$75,000.00 as requested by the Director of Health and Human Services.**

SCHEDULED ITEMS

17. 10:25 A.M. COMMENT PERIOD: Members of the public may address the Board on matters which are within the jurisdiction of the Board. If you are addressing the Board regarding a matter listed on the agenda, you may be asked to hold your comments until the Board takes up that matter. Please limit your comments to three minutes or less.
18. 10:30 A.M. Review and discuss the Del Norte County Treasurer's Report for quarter ending June 30, 2020.** (Barbara Lopez, Treasurer-Tax Collector)
19. 10:35 A.M. COVID-19 Update (Dr. Warren Rehwaldt, Del Norte County Public Health Officer)

REGULAR ITEMS

GENERAL GOVERNMENT:

20. Approve and Adopt the Resolution of the Del Norte County Board of Supervisors submitting the Del Norte County Transactions and Use Tax Ordinance to be presented to, and approved by the Electorate at the November 3, 2020 General Election as requested by Administration and County Counsel.**

LEGISLATIVE AND BUDGET ISSUES:

Consider miscellaneous legislative and budget matters pertinent to the County of Del Norte. Authorize the Chair to sign and send appropriate letters with respect to matters pending before the state or federal governments.

ADJOURNMENT

(Next meeting is August 11, 2020)

Kylie Goughnour, Clerk of the Board
County of Del Norte, State of California

Date Posted: July 24, 2020

THE AGENDA AND ACTION SUMMARY ARE AVAILABLE ON THE COUNTY WEBSITE:
www.co.del-norte.ca.us



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

December 23, 2020

Linda Sutter
[REDACTED]

Re: Reconsideration of Sworn Complaint Against Sarina, Scott, Hemmingsen, Cowan, Howard, Berkowitz (COM-10282020-02957)

Dear Ms. Sutter:

This letter is in response to your request for reconsideration of the complaint against the above-named Del Norte County officials, collectively the "County of Del Norte". The complaint you filed in October 2020 alleged potential violations of the Political Reform Act (the "Act"), specifically the prohibition against campaign related communications sent at public expense.¹ After a review of the initial complaint, Enforcement Division staff declined to open a case because they concluded that there was insufficient evidence of a violation of the Act.

You subsequently requested that the Enforcement Division revisit your request for an investigation. Your complaint alleges that the County of Del Norte violated the Act's prohibition on campaign related communications sent at public expense when it hired a consultant to assist on the Measure R messaging, disseminated robocalls to voters regarding Measure R, and distributed mailers to voters regarding Measure R.

Your request for reconsideration has been reviewed and there is no good cause to direct the Chief of the Enforcement Division to reopen this matter. The mailers prepared by the County of Del Norte do not expressly advocate or unambiguously urge a particular result for or against Measure R as that is defined in the statute and regulations. Additionally, the Enforcement Division concluded that both the robocalls and the mailers were informational in nature and presented possible outcomes should Measure R be approved by the voters. The use of a consultant is not prohibited by the Act.

Therefore, your request for reconsideration under Regulation 18360, subdivision (d) is denied.

Sincerely,

Galena West
Executive Director
Fair Political Practices Commission

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

December 1, 2020

Linda Sutter

Via email: [REDACTED]

Re: COM-10282020-02957; Sarina, Scott, Hemmingsen, Cowan, Howard, Berkowitz

Dear Ms. Sutter:

This letter is in response to the sworn complaint you submitted to the Enforcement Division of the Fair Political Practices Commission regarding the above-referenced individuals. The Enforcement Division will not open an investigation on this matter.

The Commission enforces the provisions of the Political Reform Act¹ (the "Act"). Based on a review of the complaint and the documented obtained, the Enforcement Division found insufficient evidence of a violation of the Act.

The Act prohibits sending a newsletter or other mass mailing at public expense.² After review of the complaint, we found that the robocall and mass mailings concerning the County of Del Norte Measure R were informational in nature and did not expressly advocate for or against the measure, nor unambiguously urge a result in the upcoming election. Given the above, the Enforcement Division cannot conclude that the mailers in question violated the Act's prohibition against campaign mailers sent at public expense. Additionally, we have insufficient evidence to substantiate the allegation that the County was required to file as a committee regarding their activity with Measure R. Therefore, we are closing this matter and will not pursue an enforcement action.

The Commission provides advice and opinions to persons whose duties are in question under the Act. (Section 83114.) In the future, if the County of Del Norte has questions regarding the Act's mass mailing sent at public expense prohibitions, the County may request formal advice by submitting an inquiry to the FPPC's Legal Division. Please note that a formal advice letter can provide the requestor immunity from enforcement actions by the FPPC.

If you have any further questions regarding this letter, please contact Chloe Hackert at chackert@fppc.ca.gov.

Sincerely,

Angela J. Brereton

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 89001.

Angela J. Brereton, Chief
Enforcement Division

AJB: ch

cc: Jay Sarina, via email: jsarina@co.del-norte.ca.us

Kymmie Scott, via email: kscott@co.del-norte.ca.us

Gerry Hemmingsen, via email: ghemmingsen@co.del-norte.ca.us

Lori Cowan, via email: lcowan@co.del-norte.ca.us

Chris Howard, via email: choward@co.del-norte.ca.us

Bob Berkowitz, via email: bberkowitz@co.del-norte.ca.us



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

November 12, 2020

Donna Westfall

Via email at: [REDACTED]

Re: Complaint No. COM-10292020-02998; Jay Sarina

Dear Ms. Westfall,

This letter is in response to the sworn complaint you submitted to the Enforcement Division of the Fair Political Practices Commission regarding the above-named individual. After review of the complaint, the Enforcement Division will not pursue an enforcement action in this matter. The Enforcement Division found that the robocall concerning Del Norte County Measure R to be informational in nature and did not violate the Act's mass mailing at public expense prohibition. If you have any questions, please contact Chloe Hackert at chackert@fppc.ca.gov.

Sincerely,

Angela J. Brereton

Angela J. Brereton, Chief
Enforcement Division

AJB: ch

cc: Jay Sarina, via email at: administration@co.del-norte.ca.us