



M U L T I S T A T E

**[Assemblymember Catharine Baker Offers Insight on California's Fair Political Practices Commission Penalty Changes](#)** (California)

Catharine Baker, a two-term California assemblymember and appointee to the state's Fair Political Practices Commission (FPPC), spoke last week before the Rotary Club of Livermore.

“I’m going to share with you, and hopefully you will come away with some encouragement that there are some watchdogs fighting for transparency and ethics in our state and local government,” said Baker, who serves as vice chair of the commission.

Created in 1974 following Watergate, the Political Reform Act and FPPC were created to administer and enforce landmark ethics law, as well as inform and assist public officials, employees and candidates to comply with its provisions. Specifically, the act gives the FPPC authority to adopt, amend and rescind rules and regulations to carry out the purposes of the Act. In addition to interpreting and enforcing the Act, the FPPC focuses on providing current information and useful assistance to encourage compliance.

The primary areas the FPPC covers includes: campaign disclosure, contribution limits for state government, transparency rules related to lobbyists including conflicts of interest. In addition, candidates and committees have to disclose to the FPPC how they are raising and spending money.

According to Baker, the recent passage of AB 1367, which penalizes individuals for egregious use of campaign funds, might have had more far-reaching effects for two notable local individuals — Former District Attorney Mark Peterson, and former clerk reporter Joe Canciamilla.

Peterson received a penalty of \$45,000 for misusing campaign funds for personal benefits and was also criminally prosecuted. Canciamilla, who embezzled over \$130,000 of campaign funds to remodel his home in Hawaii and then tried to cover it up by falsifying documents, was caught by the FPPC through a standard audit. Both sentences were handed out prior to the bill’s passage but is something Baker says will pave the way for more stringent prosecution in the future.

“This is a bill I was just passionate about from the moment I got on the FPPC,” said Baker. “Let me give you a great example here. If I’m cheating ... and I write two checks that are just to benefit me, and the maximum I can be charged is \$5,000 per check. That's a \$10,000 fine for \$100,000 of abuse. We needed to change that so that we have the discretion to do fines that are twice the amount of what you misspent. This is to really make the crime and penalty much more fit and in sync instead of basically a slap on the wrist ... Going back to Joe Canciamilla, he was charged the maximum penalty, but it didn’t affect his criminal penalty, which we have no control over. So he gets to serve his sentence in the Hawaii home that he misused campaign funds to remodel, and he is not serving a day in jail ... at least on our side, we are now going to have the penalty meet the crime more.”

Baker’s presentation was met with appreciation from the crowd who thanked her for her service and her time.

“I had been happy with her work representing this area when she was an elected official. It is great that she is now a commissioner with the FPPC,” said Rotarian David Rounds. “She will help add common sense and reality to some of the arcane practices and restrictions the FPPC works under.”

### **[Lobbyists in Virginia don't have to report how much they actually earn](#)** (Virginia)

A recent document from Dominion Energy in the ongoing review of its finances highlighted Virginia’s weak law when it comes to public disclosure of how much lobbyists are paid.

State lawmakers require companies or entities who hire lobbyists to report who the lobbyists are and how much they’re paid. But because there are several ways to calculate the payment amounts, the public disclosures generally are far below the actual dollar amounts the lobbyists earn.

Dominion’s document came in the ongoing “triennial review” of the investor-owned monopoly’s finances at the Virginia State Corporation Commission. The Richmond Times-Dispatch [reported on it](#) last week.

Steve Haner, a former lobbyist for Newport News Shipbuilding and others, [wrote on the right-leaning blog Bacon’s Rebellion](#) in response that the document illustrates the dramatic difference between the money lobbyists actually get paid versus the amounts that are publicly disclosed on forms filed with [Virginia Conflict of Interest and Ethics Advisory Council](#).

As an example, Dominion paid lobbyist John Watkins, a former state senator, \$92,297 in 2020, according to the State Corporation Commission document, which was filed in September.

But last year, Watkins and Dominion reported to the state ethics council that the utility paid him \$1,641 to lobby during the 2020 legislative session.

Neither Dominion nor Watkins did anything wrong — they’re complying with the law in last year’s filing. So why the big discrepancy between what was reported and the actual dollar amount that surfaced in the SCC review?

Haner explained in his blog post.

“Most of the firms, associations and lobbying groups hide the real amounts they spend. The rules allow them to disclose only that part of their expenses tied to direct lobbying, and they use the narrowest definition possible and claim most of the time is spent on other activities,” he wrote. “Anybody who fully discloses suddenly stands out, and appears to be the biggest spender, when in most cases they are not.”

Virginia’s lobbyist disclosure laws, Haner wrote, “are beyond meaningless and rise to the level of outright lies.”

The nonpartisan Virginia Public Access Project, which tracks money in state politics, also has [highlighted the weak disclosure requirement in the law](#) and how it allows lobbyists to calculate and report compensation in various ways.

VPAP gave a hypothetical example. If a client paid a lobbying firm \$84,000, split equally between services billed and retainers, the firm could report compensation of \$84,000, or \$42,000, or a lower number of only the estimated time spent directly lobbying lawmakers.

So the law makes it difficult to examine or compare lobbyist compensation because there are a variety of ways it can be reported.

In short: The public has no way of knowing exactly how much money lobbyists are paid to lobby their elected representatives.

Haner said in an interview that his experience as a lobbyist gave him firsthand knowledge of how lobbyists avoid reporting how much they actually get paid.

A lobbyist may spend four hours setting up a five-minute meeting with a lawmaker, he said, but then only count the five minutes for purposes of reporting payment.

“It’s just a game that they play,” he said. “I was taught how to do it by one of the old lawyers.”

And on the topic of weak disclosure law, there’s another important void, he said. Lobbyists aren’t required to disclose the bills or appointments over which they lobbied. They can simply report things like, “matters related to energy.”

Josh Stanfield, a campaign finance reform advocate who runs the Twitter account @ActivateVA, said the lack of disclosure of payments contradicts how lawmakers describe the system.

“We hear from legislators time and again that Virginia has the best disclosure law in the country,” he said. “This undercuts that.”

Two legislators on the state’s ethics council, Sen. Jennifer McClellan, D-Richmond, and Sen. Tommy Norment, R-James City, didn’t respond to questions Tuesday about why lobbyists aren’t required to report their actual compensation and whether the law should be changed to require that.