COMPLAINT RECEIVED

The Enforcement Division of the Fair Political Practices Commission received the enclosed complaint, COM-07012018-01206, on 7/2/2018 11:31:00 AM. The information filed in the complaint is below and any attachments filed will be included.

The Complainant is:
Shirley Grindle

The Complaint was formally filed against:
Andrew Do
Respondent

These individuals are witnesses:
Christina Avila
Gary Crockett

The Violations alleged are:

Campaign Contributions Causing Conflict of Interests (84308)
Summary---see the attached Chronology of Events

ANDREW DO/JAMES MCCONNELL
Supervisor Andrew Do accepted a $1900 campaign contribution from Lobbyist James McConnell on August 9, 2016. On December 1, 2016, Do, as a member of the CalOptima Board, voted to extend James McConnell's lobbying contract with CalOptima for an additional six months. This is in violation of Govt. Code section 84308(b) and (c) because 1) Do accepted a $1900 contribution from James McConnell within 12 months of voting on McConnell's contract extension, 2) Do voted on McConnell's contract extension. 3) Do participated in making and influencing the decision on McConnell's contract by way of his participation on an Ad Hoc evaluation committee, and 4) Do did not disclose on the public record that he had accepted a campaign contribution in excess of $250 from James McConnell. For the record, CalOptima is an agency as defined in Govt. Code section 82003,

ANDREW DO/TOWNSEND PUBLIC AFFAIRS
On February 1, 2018, CalOptima Board member Andrew Do served as a member of CalOptima's State Lobbyist RFP Ad Hoc committee and reviewed two proposals including one submitted by Townsend Public Affairs. Between August 2017 and February 1, 2018, this Ad Hoc committee reviewed and evaluated the two proposals. On March 30, 2017, Andrew Do had accepted $2000 in campaign contributions from Christopher Townsend. Do's participation on the Ad Hoc committee which evaluated the Townsend Public Affairs proposal (Christopher Townsend is the owner of Townsend
Public Affairs) is in violation of Govt. Code section 84308(c) in that he participated in making and influencing decision involving a contract with Townsend from whom Do had accepted campaign contributions in excess of $250 within the prior 12 months.
CHRONOLOGY OF EVENTS SUPPORTING A REQUEST FOR PROSECUTION AGAINST ORANGE COUNTY SUPERVISOR ANDREW DO FOR REPEATED VIOLATIONS OF GOVERNMENT CODE SECTION(S) 84308 (C).

SUPERVISOR ANDREW DO IS A MEMBER OF THE CALOPTIMA BOARD OF DIRECTORS WHICH ADMINISTERS AN INDIGENT HEALTH PLAN FOR THE COUNTY OF ORANGE.

CALOPTIMA IS AN AGENCY AS DEFINED IN GOVERNMENT CODE SECTION 82003. COUNTY SUPERVISORS ARE APPOINTED, NOT ELECTED, TO THE CALOPTIMA BOARD AND THEREFORE GOVERNMENT CODE SECTION 84308, COMMONLY REFERRED TO AS THE LEVINE ACT, APPLIES TO CAMPAIGN CONTRIBUTION CONDUCT. THE PROCEEDINGS DESCRIBED BELOW, CONTRACTS FOR PROFESSIONAL STATE AND FEDERAL ADVOCACY (LOBBYIST) SERVICES, FALL WITHIN THE LEVINE ACT WHEN THE CIRCUMSTANCES FOR THE AWARD OF SUCH CONTRACTS FOR PROFESSIONAL SERVICES HAVE “BEEN SUBMITTED TO THE JURISDICTION OF [THE] AGENCY.” (REGULATION 18438.2 (b).)

THESE EVENTS ARE WELL WITHIN THE FOUR-YEAR STATUTE OF LIMITATIONS PURSUANT TO GOVERNMENT CODE SECTION 91000.

I. PROCUREMENT FOR FEDERAL LOBBYIST ADVOCACY PROFESSIONAL SERVICES:

AUGUST 9, 2016: SUPERVISOR DO RECEIVES $1,900 (MAXIMUM DOLLAR CONTRIBUTION UNDER THE LOCAL ORANGE COUNTY ORDINANCE KNOWN AS “TIN CUP.”) FROM THEN CURRENT CALOPTIMA FEDERAL LOBBYIST JAMES MC CONNELL.

SEPTEMBER 18, 2016: CALOPTIMA RELEASES ITS REQUEST FOR PROPOSALS (RFP)

OCTOBER 10, 2106: RFP PROPOSALS ARE RETURNED TO AGENCY AND SIX INDIVIDUALS FIRMS SUBMIT COMPETITIVE PROPOSALS, INCLUDING JAMES MC CONNELL (INCUMBENT).

    STAFF AND EXTERNAL EXPERTS REVIEW SIX PROPOSALS AND RANK FIRMS INTO THE TOP FOUR, INCLUDING JAMES MC CONNELL.

DECEMBER 1, 2016: SUPERVISOR DO VOTES TO EXTEND JAMES MC CONNELL CONTRACT (INCUMBENT) FOR UP TO SIX MONTHS DURING PENDENCY OF LOBBYIST CONTRACT RENEWAL PROCESS UNDER THE RFP (VIOLATION OF GOVERNMENT CODE SECTION 84308—FAILING TO DISCLOSE ON THE RECORD BEFORE THE VOTE A CONFLICT OF INTEREST; VIOLATING THE ACT BY PARTICIPATING (VOTING) IN EXTENDING THE CONTRACT WITHIN ONE YEAR (“WASHOUT PERIOD” OF RECEIVING GREATER THAN $250).

MONTH OF DEC. 2016: CALOPTIMA BOARD CREATES AN AD HOC SUBCOMMITTEE TO PERSONALLY INTERVIEW THE FOUR FINALISTS, INCLUDING SUPERVISOR DO. THE AD HOC RECOMMENDS TWO TOP FIRMS TO NEGOTIATE WITH CALOPTIMA STAFF, A “LAST, BEST AND FINAL” OFFER. WHILE IT IS UNKNOWN FROM PUBLIC
PAPERWORK WHETHER MC CONNELL WAS ONE OF THE TWO FIRMS, SUCH ANALYSIS IS IRRELEVANT; THE FACT THAT HE PARTICIPATED IN A PROCESS IN WHICH MC CONNELL WAS IN A POOL OF FOUR FOR CONSIDERATION IS A VIOLATION OF THE ACT.  ([VIOLATION OF GOVERNMENT CODE SECTION 84308—PARTICIPATING IN MAKING AND INFLUENCING A DECISION INVOLVING MC CONNELL]).

FEBRUARY 2, 2017:  CALOPTIMA BOARD MEETING.  SUPERVISOR DO VOTED AND PARTICIPATED IN ITEM 10 ON THE AGENDA TO SELECT A FEDERAL LOBBY FIRM WHEN HE PARTICIPATED IN THE PROCESS AND SELECTION WHICH INVOLVED CAMPAIGN DONOR IN EXCESS OF THE LEVINE ACT $250 LIMITATION.  HE NEITHER ANNOUNCED HIS CONFLICT NOR RECUSED HIMSELF.  HE VOTED TO AWARD THE CONTRACT TO A FIRM INVOLVED IN THE PROCESS IN WHICH HE WAS PROHIBITED FROM PARTICIPATING DESPITE THE FACT THAT THE PREVAILING FIRM WAS NOT THE ENTITY MAKING THE CONTRIBUTION ([VIOLATION OF GOVERNMENT CODE SECTION 84308 (b)].  SINCE JIM MC CONNELL WAS PART OF A POOL OF FOUR THAT WAS CONSIDERED BY AN AD HOC WHICH INCLUDED SUPERVISOR DO, THE WAS PROHIBITED FROM PARTICIPATING AT ANY STAGE OF THE PROCEEDINGS INCLUDING THE FINAL VOTE “No officer of an agency shall make, participate in making, or in any way attempt to use his or her official position to influence the decision...” where the official has received more than $250 within the preceding 12 months (Government Code section 84308 (c).)

ATTACHMENTS:  CAMPAIGN CONTRIBUTION RECORDS AVAILABLE FROM THE COUNTY REGISTRAR’S WEBSITE [WWW.OCVOTE.COM]

PUBLIC RECORDS OF BOARD MINUTES AND STAFF REPORTS FROM THE CALOPTIMA WEBSITE [WWW.CALOPTIMA.ORG]

II. PROCUREMENT FOR STATE LOBBYIST ADVOCACY PROFESSIONAL SERVICES:

2015 TO 2017:  SUPERVISOR ANDREW DO HAS RECEIVED $11,600 FROM LOBBYIST CHRIS TOWNSEND AND HIS WIFE MICHELE.

MARCH 30, 2017:  LOBBYIST CHRISTOPHER TOWNSEND CONTRIBUTES $2,000 TO SUPERVISOR ANDREW DO.

APRIL 1, 2017:  LOBBYIST TOWNSEND’S WIFE, MICHELE, CONTRIBUTES $2,000 TO SUPERVISOR ANDREW DO.
AUGUST 2017: CALOPTIMA ISSUES AN RFP FOR STATE LOBBYIST SERVICES

JANUARY 4, 2018: SUPERVISOR DO PARTICIPATED IN THE STATE LOBBYIST AD HOC TO REVIEW PROPOSALS ON BEHALF OF CALOPTIMA BASED ON AN RFP FOR STATE LOBBYIST SERVICES.

FEBRUARY 1, 2018 CALOPTIMA AGENDA ITEM #13 WITH RECOMMENDATION FROM AD HOC INCLUDING SUPERVISOR DO TO AWARD TOWNSEND PUBLIC AFFAIRS A STATE LOBBYIST CONTRACT FOR $24,000 PER YEAR FOR THREE YEARS. (**VIOLATION OF GOVERNMENT CODE SECTION 84308 (c), PARTICIPATING IN A GOVERNMENT DECISION WHERE MORE THAN $250 HAS BEEN RECEIVED WITHIN ONE YEAR OF THAT DECISION.**)

PER THE RECORDING OF THE MEETING, THE CHAIRMAN ANNOUNCES AT APPROXIMATELY ONE MINUTE AND TWENTY SECONDS THAT BASED ON A CONFLICT OF INTEREST IN THE PROCUREMENT PROCESS THAT THE RFP WAS BEING DISCARDED AND THE PROCESS WOULD START ALL OVER AGAIN.
Schedule A (Continuation Sheet)
Monetary Contributions Received

Amounts may be rounded to whole dollars.

Statement covers period
from 07/01/2016
through 09/24/2016

I.D. NUMBER
1373827

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Andrew Do for Supervisor 2016

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<th>CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)</th>
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**SUBTOTAL$: 5,900.00

*Contributor Codes
IND - Individual
COM - Recipient Committee (other than PTY or SCC)
OTH - Other (e.g., business entity)
PTY - Political Party
SCC - Small Contributor Committee

www.netfile.com

FPPC Form 460 (Jan/2016)
FPPC Advice: advice@fppc.ca.gov (866/275-3772)
www.fppc.ca.gov
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Schedule A (Continuation Sheet)
Monetary Contributions Received

Amounts may be rounded to whole dollars.

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<th>DATE RECEIVED</th>
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SUBTOTAL $ 5,000.00

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IND - Individual
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PTY - Political Party
SCC - Small Contributor Committee
# Schedule A (Continuation Sheet)
## Monetary Contributions Received

Amounts may be rounded to whole dollars.

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Andrew Do for Supervisor 2016

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| SUBTOTAL$ | 6,100.00 |

### Contributor Codes

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**www.netfile.com**
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CALOPTIMA BOARD ACTION AGENDA REFERRAL

Action To Be Taken February 1, 2018
Regular Meeting of the CalOptima Board of Directors

Report Item
13. Consider Vendor Selection and Contracting for State Legislative Advocacy Services

Contact
Phil Tsunoda, Executive Director, Public Affairs and Public Policy, (714) 246-8400

Recommended Actions
1. Select Edelstein Gilbert Robson & Smith (GRS) as the lead state legislative advocacy firm to represent CalOptima for state advocacy services;
2. Select Townsend Public Affairs (Townsend) as the state legislative advocacy firm to be utilized on an as-needed basis;
3. Authorize the Chief Executive Officer, with the assistance of Legal Counsel, to enter into contracts with the recommended firms, each contract for a two-year term commencing February 1, 2018, and with three one-year extension options, with each extension option exercisable at CalOptima's sole discretion. The GRS contract will be at a rate of $95,000/year, and the Townsend contract at a rate of $24,000/year.

Background
As part of its government affairs program, CalOptima retains representatives in Sacramento to assist in a wide array of areas including tracking and advocating on legislation, analyzing and developing positions on bills and analyzing recommended actions pertaining to state budget and regulatory issues. In addition, CalOptima representatives continually develop and maintain relationships with members of the California State Legislature, legislative committee staff and consultants as well as applicable state departments and regulatory agencies.

As part of CalOptima’s standard and routine procurement process, a Request for Proposal (RFP) for state legislative advocacy services was issued in August 2017 and two proposals were received. A proposal evaluation committee comprised of members of CalOptima staff and external subject matter experts reviewed and scored the submitted proposals. Subsequently, the two firms were interviewed by members of a State Lobbyist RFP Ad Hoc committee appointed by the Board Chair.

The State Lobbyist RFP Ad Hoc committee interviews took place on January 4, 2018.

Discussion
Based on both the written proposal scores and the results of the State Lobbyist RFP Ad Hoc interviews, the Ad Hoc committee is recommending Edelstein Gilbert Robson & Smith as the lead state legislative advocacy firm due to its substantive knowledge of healthcare issues that are of importance to CalOptima. These issues include experience and knowledge regarding the

Back to Agenda
transition of the California Children’s Services (CCS) program, the County Organized Health System (COHS) model, the Cal MediConnect program (CalOptima’s OneCare Connect program), Denti-Cal, Medi-Cal funding issues including the impact of actions on the Affordable Care Act (ACA) on the Medi-Cal program, to name a few.

As recommended the contract amendment with Edelstein Gilbert Robson & Smith would be for a two (2) year term with three (3) one-year extension options, each exercisable at CalOptima’s sole discretion. As submitted by Edelstein, the Edelstein contract fee and price will be $95,000 annually or $7,916.67 per month.

The State Lobbyist RFP Ad Hoc committee is also recommending entering into a contract with Townsend Public Affairs on an as-needed basis. With potentially impactful actions beginning in 2018 to the Medi-Cal program, the COHS model and CalOptima specifically, the ad hoc committee believes Townsend Public Affairs is uniquely situated to assist CalOptima through its extensive, principal-level and bi-partisan relationships. As specific actions and circumstances arise out of Sacramento, Townsend Public Affairs would be available, at the direction of the CEO, to engage in high-level lobbying and advocacy efforts in the best interests of CalOptima.

The State Lobbyist RFP Ad Hoc committee is recommending the Townsend contract length be a two (2) year term with three (3) one-year options, each exercisable at CalOptima’s sole discretion with a fee and price to be $24,000 annually or $2,000 per month.

Going forward, staff will monitor the performance of both Edelstein Gilbert Robson & Smith and Townsend Public Affairs to ensure that the deliverables and components outlined in the RFP applicable to each firm as well as within their respective contracts are being achieved. Deliverables include, but are not limited to written and verbal monthly reports and updates. It is also anticipated that occasional verbal updates will be provided at the Board of Directors’ meetings when appropriate.

**Fiscal Impact**

Funding for the recommended action is included as part of the Professional Fees budget under the CalOptima Fiscal Year 2017-18 Operating Budget approved by the CalOptima Board of Directors on June 1, 2017. Staff will include updated administrative expenses for state legislative advocacy services in future operating budgets.

**Rationale for Recommendation**

State legislative advocacy efforts continue to be of importance to CalOptima given the health care-related priorities that Sacramento and Washington, DC are addressing. It is anticipated that there will be several important issues that require CalOptima’s ongoing focus, attention, involvement and advocacy, including protection of the Medi-Cal program and specifically CalOptima.
## Schedule A (Continuation Sheet)
### Monetary Contributions Received

**NAME OF FILER**
Andrew Do for Supervisor 2016

**DATE RECEIVED** | **FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR** | **CONTRIBUTOR CODE** | **IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER** | **AMOUNT RECEIVED THIS PERIOD** | **CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)** | **PER ELECTION TO DATE (IF REQUIRED)** |
--- | --- | --- | --- | --- | --- | --- |
09/01/2016 | Garrett James | 2IND | Real Estate James Real Estate | 1,000.00 | 1,000.00 | G2016 $1,000.00 |
09/01/2016 | Jesse James | 2IND | Accountant James Real Estate | 1,000.00 | 1,000.00 | G2016 $1,000.00 |
09/01/2016 | Judy James | 2IND | Bookkeeper James Real Estate Mgmt Inc. | 1,000.00 | 1,000.00 | G2016 $1,000.00 |
09/01/2016 | Tyler James | 2IND | Real Estate James Real Estate | 1,000.00 | 1,000.00 | G2016 $1,000.00 |
08/09/2016 | James F. McConnell Attorney at Law | IND | | 1,900.00 | 1,900.00 | G2016 $1,900.00 |

**SUBTOTAL$** 5,900.00

---

*Contributor Codes*
IND – Individual
COM – Recipient Committee (other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee
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<td>James F. McConnell Attorney at Law</td>
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(b) The Commission, and the Franchise Tax Board at the direction of the Commission, may audit any record required to be maintained under this title to ensure compliance with this title prior to an election, even if the record is a report or statement that has not yet been filed.

History: Added by Stats. 2013, Ch. 9, effective July 1, 2014.

§ 90009. Injunction to Compel Disclosure.
(a) To further the purposes of this title, the Commission may seek injunctive relief in a superior court to compel disclosure consistent with this title.
(b) A court shall grant expedited review to an action filed pursuant to subdivision (a) as follows:
(1) The court shall conduct an expedited hearing with an opportunity for the defendant to respond.
(2) Briefs of the parties shall be required pursuant to an expedited schedule.
(c) A superior or appellate court may, at its discretion, grant a stay of an order granting relief pursuant to subdivision (a).

History: Added by Stats. 2013, Ch. 9, effective July 1, 2014.

Chapter 11. Enforcement.
§ 91000-91015
§ 91015. Collection of Penalties.
§ 91014. Applicability of Other State Law.
§ 91015. Liability for Violations; Criminal and Civil. [Repealed]

§ 91010. Violations; Criminal.
(a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.
(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars ($10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.
(c) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred.

History: Amended by Stats. 1978, Ch. 1411; amended by Proposition 208 of the November 1996 Statewide General Election; repealed and added by Stats. 2000, Ch. 102 [Proposition 34 of the November Statewide General Election].

§ 91000.5. Administrative Proceedings.
No administrative action brought pursuant to Chapter 3 (commencing with Section 83100) alleging a violation of any of the provisions of this title shall be commenced more than five years after the date on which the violation occurred.

(a) The service of the probable cause hearing notice, as required by Section 83115.5, upon the person alleged to have violated this title shall constitute the commencement of the administrative action.
(b) If the person alleged to have violated this title engages in the fraudulent concealment of his or her acts or identity, the five-year period shall be tolled for the period of concealment. For purposes of this subdivision, “fraudulent concealment” means the person knows of material facts related to his or her duties under this title and knowingly conceals them in performing or omitting to perform those duties, for the purpose of defrauding the public of information to which it is entitled under this title.
(c) If, upon being ordered by a superior court to produce any documents sought by a subpoena in any administrative proceeding under Chapter 3 (commencing with Section 83100), the person alleged to have violated this title fails to produce
§ 84306. Contributions Received by Agents of Candidates or Committees.

All contributions received by a person acting as an agent of a candidate shall be reported promptly to the candidate or any of his or her designated agents. All contributions received by a person acting as an agent of a committee shall be reported promptly to the committee’s treasurer or any of his or her designated agents. “Promptly” as used in this section means not later than the closing date of any campaign statement the committee or candidate for whom the contribution is intended is required to file.

History: Added by Stats. 1979, Ch. 779.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.1
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18421.3
2 Cal. Code of Regs. Section 18421.31

§ 84307. Commingling with Personal Funds.

No contribution shall be commingled with the personal funds of the recipient or any other person.

History: Added by Stats. 1979, Ch. 779.

References at the time of publication (see page 3):

Regulations: 2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2

§ 84307.5. Payments Made to a Spouse or Domestic Partner.

A spouse or domestic partner of an elected officer or a candidate for elective office shall not receive, in exchange for services rendered, compensation from campaign funds held by a controlled committee of the elected officer or candidate for elective office.

History: Added by Stats. 2009, Ch. 360; amended by Stats. 2014, Ch. 902.

§ 84308. Contributions to Officers; Disqualification.

(a) The definitions set forth in this subdivision shall govern the interpretation of this section.

(1) “Party” means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.

(2) “Participant” means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7. A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.

(3) “Agency” means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, local governmental agencies whose members are directly elected by the voters, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.

(4) “Officer” means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.

(5) “License, permit, or other entitlement for use” means all business, professional, trade and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.

(6) “Contribution” includes contributions to candidates and committees in federal, state, or local elections.

(b) No officer of an agency shall accept, solicit, or direct a contribution of more than two hundred fifty dollars ($250) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for three months following the date a final decision is rendered in the proceeding if the officer knows or has
reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars ($250) from a party or from any participant shall disclose that fact on the record of the proceeding. No officer of an agency shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if he or she knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

If an officer receives a contribution which would otherwise require disqualification under this section, returns the contribution within 30 days from the time he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.

(d) A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars ($250) made within the preceding 12 months by the party, or his or her agent, to any officer of the agency. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before any agency and no participant, or his or her agent, in the proceeding shall make a contribution of more than two hundred fifty dollars ($250) to any officer of that agency during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in subdivisions (b), (c), and this subdivision.

(e) Nothing in this section shall be construed to imply that any contribution subject to being reported under this title shall not be so reported.

History: Added by Stats. 1982, Ch. 1049; amended by Stats. 1984, Ch. 1681, effective September 30, 1984; amended by Stats. 1989, Ch. 764.

References at the time of publication (see page 3):
Regulations:
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18438.1
2 Cal. Code of Regs. Section 18438.2
2 Cal. Code of Regs. Section 18438.3
2 Cal. Code of Regs. Section 18438.4
2 Cal. Code of Regs. Section 18438.5
2 Cal. Code of Regs. Section 18438.6
2 Cal. Code of Regs. Section 18438.7
2 Cal. Code of Regs. Section 18438.8
Opinions:
In re Curiel (1993) 8 FPCC Ops. 1

(a) No person shall receive or personally deliver or attempt to deliver a contribution in the State Capitol, in any state office building, or in any office for which the state pays the majority of the rent other than a legislative district office.

(b) For purposes of this section:
(1) "Personally deliver" means delivery of a contribution in person or causing a contribution to be delivered in person by an agent or intermediary.
(2) "Receive" includes the receipt of a campaign contribution delivered in person.

History: Added by Stats. 1982, Ch. 920.

References at the time of publication (see page 3):
Regulations:
2 Cal. Code of Regs. Section 18401
2 Cal. Code of Regs. Section 18421.2
2 Cal. Code of Regs. Section 18439

§ 84310. Identification Requirements for Telephone Calls.
(a) A candidate, candidate controlled committee established for an elective office for the controlling candidate, political party committee, or slate mailer organization shall not expend campaign funds, directly or indirectly, to pay for telephone calls that are similar in nature and aggregate 500 or more in number, made by an individual, or individuals, or by electronic means and that advocate support of, or opposition to, a candidate, ballot measure, or both, unless during the course of each call the name of the candidate, candidate controlled committee established for an elective office for the controlling candidate, political party committee, or slate mailer
CALOPTIMA BOARD ACTION AGENDA REFERRAL

Action To Be Taken February 2, 2017
Regular Meeting of the CalOptima Board of Directors

Report Item
10. Consider Selection and Contracting with Vendor for Federal Legislative Advocacy Services

Contact
Phil Tsunoda, Executive Director, Public Affairs and Public Policy, (714) 246-8400

Recommended Actions
1. Approve recommend federal advocacy firm Akin Gump Strauss Hauer & Feld LLP to represent CalOptima for federal regulatory and advocacy services;
2. Authorize the Chief Executive Officer to execute applicable contract with the recommended firm;
3. Authorize expenditures of up to $32,000 from existing reserves for the additional costs in excess of the budget for federal legislative advocacy services for FY2016-17, to deliver all services detailed in the Request for Proposal (RFP) Statement of Work, with total expenditures not to exceed $10,000 per month.

Background
As part of its Government Affairs program, CalOptima retains representatives in Washington D.C. to assist in a wide array of areas, including tracking legislation, developing and maintaining relationships with the administration and applicable federal departments and regulatory agencies, members of Congress, legislative committee staff and consultants, and providing analysis and recommended actions pertaining to the federal budget.

CalOptima’s contract with its current federal advocacy services firm was set to expire on January 7, 2017. On December 1, 2016, the Board authorized an extension of CalOptima’s contract with CalOptima’s current federal advocacy services firm for six (6) additional months, to allow time for the Board Ad Hoc and staff to recommend a federal advocacy firm to the full Board.

A Request for Proposal (RFP) for federal advocacy services was issued by CalOptima on September 8, 2016 and a total of six (6) proposals were received. An evaluation committee comprised of staff and two external stakeholder representatives reviewed the submitted proposals. Four of the firms were recommended for interviews before the Federal Advocacy RFP Ad Hoc evaluation committee of Supervisor Lisa Bartlett, Director Ron DiLuigi, Supervisor Andrew Do and Director Nikan Khatibi. After evaluation of proposals and in-person interviews conducted by the Board Ad Hoc, two top finalists were identified. Based on the “best and final offer” received by the two finalists, the Board Ad Hoc recommends Akin Gump Strauss Hauer & Feld LLP to provide federal legislative advocacy services for CalOptima. The RFP scope of work and score sheet summaries for the firms responding to the RFP are attached.

Discussion
The Board Ad Hoc is recommending Akin Gump Strauss Hauer & Feld LLP due to their proposal and represented grasp of the issues within the healthcare field. These issues included, but are not limited to, CalOptima specifically, and County Organized Health Systems (COHS) generally, the future
potential changes regarding Affordable Care Act (ACA), and, future potential changes regarding Medicaid and Medicare.

Staff and the Ad Hoc believe Akin Gump will provide added value in the Agency's advocacy efforts. It was concluded that the firm has broad healthcare experience, a depth of resources and strong connections with key influencers within the healthcare field and the current administration that could be very beneficial to CalOptima as compared to the other proposals.

Staff will review the performance of the Akin Gump contract to ensure that the deliverables are being achieved. In addition to its monthly written report, it is anticipated that Akin Gump will present occasional verbal updates at the request of the Board or staff, at monthly Board of Directors’ meetings.

Akin Gump Strauss Hauer & Feld LLP is also well established with the federal health industry associations that CalOptima works with.

The CalOptima Fiscal Year (FY) 2016-17 Operating Budget included $6,000 per month for federal advocacy services. Pursuant to the submitted proposal, Akin Gump Strauss Hauer & Feld LLP’s proposed contract is priced at $10,000 per month beginning February 2017. Staff recommends Board authorization for up to $32,000 in expenditures from existing reserves for the additional costs above the budget for federal legislative advocacy services for FY 2016-17, as well as up to a two-month overlap (i.e., February and March 2017) between the current contract and future contract.

**Fiscal Impact**
The recommended action to authorize the expenditure of up to an additional $32,000 for federal legislative advocacy services through June 30, 2017, is unbudgeted. An allocation of $32,000 from existing reserves will fund this action to supplement the current Board approved budget. If the recommended vendor is approved, Staff will increase the projected federal legislative advocacy service expenses in the FY 2017-18 CalOptima Operating Budget.

**Rationale for Recommendation**
Federal advocacy efforts continue to be of importance to CalOptima given the stated health care-related priorities of the new presidential administration and congressional majority. There will be a number of important issues that require CalOptima’s ongoing focus, including federal financing of the Medi-Cal program (including Medi-Cal expansion), reauthorization of the Children’s Health Insurance Program (CHIP), and other issues related to the ACA.

**Concurrence**
Gary Crockett, Chief Counsel

**Attachments**
1. Advocacy Services RFP Scoring Sheet
2. Federal Advocacy Services Scope of Work

---

/s/ Michael Schrader 01/26/2017
Authorized Signature  Date

Back to Agenda
Submitted best and final offer:

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Firm Evaluation Scores

Federal Advocacy RFP 17-006

Summary

*All firms were evaluated on a five point scale, 0-5.*
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<th>Overall Impression</th>
<th>Presentation</th>
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Final interview were evaluated on a five point scale: 0-5.

(75% of the overall score)

Interview Evaluation

James E. McCown
Miderman & Associates
4000 x 33 = 1.00

Polomac Partners DC
Winn Gump

Overall Impression
Presentation

QA

Final interviews were evaluated on a five point scale: 0-5.

(75% of the overall score)

Interview Evaluation

James E. McCown
Miderman & Associates
4000 x 33 = 1.00

Polomac Partners DC
Winn Gump

Overall Impression
Presentation

QA

Final interviews were evaluated on a five point scale: 0-5.

(75% of the overall score)
The top four firms advanced to the Interview Phase:

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<th>Firm Name</th>
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Proposals were evaluated on a five point scale, 0–5. Weighted scores are listed below.
A. Scope of Work

I. PURPOSE

CONSULTANT shall represent CalOptima's interests in Washington, D.C., and have the responsibility of monitoring and influencing legislative and regulatory policies, building and maintaining positive, mutually beneficial relationships, and providing CalOptima with necessary advocacy services.

II. REPORTING RELATIONSHIP

CalOptima Government Affairs leadership staff will be the primary CalOptima contacts and will direct the work of the CONSULTANT. All work determined to be in excess of the work specified herein will be approved by the primary contacts in conjunction with the CalOptima Vendor Management staff who shall then prepare an amendment to the Contract.

III. OBJECTIVE/Deliverables

CONSULTANT shall:

1. Maintain regular contact with the Administration, members of Congress, specifically the Orange County congressional delegation, legislative staff, and committee staff to identify impending changes in laws, new program opportunities, and funding priorities that relate to CalOptima. When directed by CalOptima, the CONSULTANT shall also communicate with federal departments, agencies, boards, committees, committees and staff regarding identified issues.

2. As directed by CalOptima, brief Orange County congressional delegation with CalOptima updates, publications and other informational items. These may include the annual Report to the Community, Fact Sheets, and other materials.

3. Arrange meetings and briefings for CalOptima Board and staff with elected officials and legislative staff. The CONSULTANT shall be proactive in scheduling strategic, targeted meetings and briefings especially, but not limited to, times when CalOptima Board and staff are scheduled to be in Washington, D.C. Meetings and briefings may include formal briefings, as well as informal social meetings, as appropriate.

4. Provide monthly, written reports which shall include a federal budget and legislative update, as well as a description of the nature and extent of services or actions taken on behalf of CalOptima. The services and actions shall include a summary of the meetings the CONSULTANT had along with the issues discussed with members of Congress, specifically the Orange County congressional delegation, legislative staff, relevant committee staff as well as appropriate departments, agencies, boards, and commissions, committees, and staff. The reports shall be delivered on a schedule as directed by CalOptima staff, and may be included in the CalOptima board book and/or provided to board members.

Back to Agenda
5. Provide in-person briefings, as directed by CalOptima staff, to the CalOptima board and executive staff.

6. Notify CalOptima of anticipated, introduced or amended federal legislation, and proposed regulations which could impact CalOptima. These activities include, but are not limited to:
   - Providing the bill number and brief summary of introduced or amended federal legislation;
   - Providing copies of legislation and committee analysis; and
   - Providing information relative to legislative hearings

Advocate for CalOptima's programs and positions regarding proposed legislation, proposed regulations, and funding priorities as directed.

Provide copies of all written correspondence, testimony, and position papers given on behalf of CalOptima, as well as access to the federal budget and any related documents (Congressional Budget Office analysis, etc.) as they become available.

CalOptima staff may prepare a formal annual review of CONSULTANT's work product at the end of each calendar year.
Action: On motion of Supervisor Do, seconded and carried, the Board of Directors authorized and approved updates to the following security-related policies, subject to regulatory approval, as necessary: GA.5005a: Use of Technology Resources; IS.1102: Electronic Media, Electronic Storage Devices, and Hardware Controls; IS.1201: EPHI Technical Safeguards – Access Controls; IS.1202: EPHI Technical Safeguards – Data Controls; IS.1301: Security of Workforce Access to EPHI; and IS.1303: Audit, Review, Testing, and Change Management. (Motion carried 8-0-0; Supervisor Bartlett absent)

9. Consider Authorization of Expenditures in Support of CalOptima’s Participation in the 2017 ActNOW Conference and South Orange County Senior Day

Action: On motion of Supervisor Do, seconded and carried, the Board of Directors: 1) Authorized expenditures of up to $1,000 and staff participation at The G.R.E.E.N. Foundation’s 2017 ActNOW Conference on February 25, 2017 at California State University, Fullerton, and up to $1,000 and staff participation at Senator Patricia C. Bates and Assemblyman William P. Brough’s South Orange County Senior Day 2017 on Friday, March 10, 2017 in Mission Viejo; 2) Made a finding that such expenditures are for a public purpose and in furtherance of CalOptima’s mission and statutory purpose; and 3) Authorized the Chief Executive Officer to execute agreements as necessary for the events and expenditures. (Motion carried 8-0-0; Supervisor Bartlett absent)

10. Consider Selection and Contracting with Vendor for Federal Legislative Advocacy Services
Director DiLuigi reported on behalf of the Federal Legislative Advocacy Services Request for Proposal (RFP) Ad Hoc Committee. The ad hoc, composed of Supervisors Bartlett and Do, and Directors DiLuigi and Khatibi, met to interview the top four RFP finalists. After evaluation of the proposals and in-person interviews conducted by the ad hoc, two finalists were identified. Based on the review of the best and final offers submitted by the two finalists, the ad hoc recommended authorizing the Chief Executive Officer to enter into a three-year contract with Akin Gump Strauss Hauer & Feld LLP for federal regulatory and advocacy services, authorize expenditures of up to $32,000 from existing reserves for the additional costs in excess of the Board approved budget for federal legislative advocacy services for Fiscal Year 2016-17 to deliver all services detailed in the RFP Statement of Work, with total expenditures not to exceed $10,000 per month.

Action: On motion of Supervisor Do, seconded and carried, the Board of Directors approved federal advocacy firm Akin Gump Strauss Hauer & Feld LLP to represent CalOptima for federal regulatory and advocacy services, authorized the Chief Executive Officer to execute applicable contract, and authorized expenditures of up to $32,000 from existing reserves for the additional costs in excess of the Board approved budget for federal regulatory and advocacy services for Fiscal Year 2016-17 to deliver all services detailed in the RFP Statement of Work, with total expenditures not to exceed $10,000 per month. (Motion carried 8-0-0; Supervisor Bartlett absent)

Vice Chair Penrose reported on behalf of the Endorsement/Community Events Policy Ad Hoc Committee. The ad hoc, composed of Supervisors Bartlett and Do, Vice Chair Penrose and Director

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