



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

May 23, 2018

Rigoberto Rodriguez
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Juan Benitez
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CSULB Center for Community Engagement
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Dear Messrs. Rodriguez and Benitez, CSULB Center for Community Engagement:

The Enforcement Division of the Fair Political Practices Commission received the enclosed complaint against you. It appears the complainant is alleging you have violated the Political Reform Act's¹ campaign disclosure provisions. The information filed in the complaint is below and any attachments filed will be enclosed. The complaint was filed against all those listed above.

The person filing the Complaint is:
Nathan Carbajal
Complainant

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

¹ Please note that under the Act, you are required to retain accounts, records, bills, receipts and other original source documentation. These records should be readily available for any audit or investigation conducted by the Fair Political Practices Commission. (§§ 84104, 86110 and 90003; Regulations 18401, 18401.1.)

The violations alleged are:

Violation of Rules Regarding Contributions

Misuse of faculty position to support of a political campaign.

Should you have any comments on the allegation(s), your comments ***must*** be submitted in writing directed to Chris Holm at the address shown above or by email at cholm@fppc.ca.gov. Please include the Complaint Number, COM-05212018-00745 in your response.

Sincerely,
Enforcement Division
Fair Political Practices Commission

CHLS 350: Latina/o Populations in the U.S.
Service Learning – Alternative Assignment
Spring 2018

Background

The purpose of this document is to describe the alternative assignment to fulfill the community service learning requirement for CHLS 350: Latina/o Populations in the U.S. The community service requirement is eight (8) hours for the semester, divided into at least two visits to the site (roughly four hours each time). All service learning activities must be completed by March 24, 2018, at the latest.

This semester's service learning project aims to help students understand how communities organize to strengthen education to improve Latina/o academic achievement. Most students will participate in efforts to promote early education in Santa Ana, while others will participate in an active school board campaign to support candidates whose policy platforms advance Latina/o student academic achievement.

Instructions

For the alternative assignment, students will join the school board campaign efforts of the Teachers Association of Long Beach (TALB). TALB offices are located at 4362 Atlantic Avenue, Long Beach, CA, 90807. Their number is (562) 426-6433. If you have any issues, contact Barry Welsch via the aforementioned number. TALB offers two options: phone banking and/or precinct walking.

For phone banking, click on the following link which will take you the TALB 2018 School Board Campaign Activities page: <http://talb.org/events/school-board-campaign/>

- ☐ Scroll down and press 'Click here to sign up for your phone bank days.' Fill in the required information: first name, last name, contact phone, your school site (press 'campaign volunteer'), activity or event (press the date and time you can show up), and in the notes/comments/message section write 'CSULB student in CHLS 350 course.'
- ☐ As you will notice, the only options available are Monday through Thursday from 4:30 to 7:00 PM. If you're doing phone banking, you will need to go there three (3) times to complete your times.

For precinct walking, the next precinct walking date is Saturday, March 24, 2018. There are two shifts: 9-12 and 1-4 PM. If you want to precinct walk, click the same link above and follow the same steps and in the notes/comments/message window indicate you want to participate in precinct walking.

Importantly, if you do precinct walking and complete both shifts on the same day, I will count this as fulfilling your eight-hour requirement. Moreover, you can also combine phone banking with precinct walking. If you do one phone banking session (e.g., 4:30-7PM) and one precinct walking session (e.g., 9-12 AM), I will count that as fulfilling your service learning hours.

Bring your smart phone or tablet. You will be using TALB's Wi-Fi and use their automated phone line. (They will explain how that works when you get there.)

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Reflection Assignment

This community service activity has two reflection assignments.

Assignment #1 below is to be completed within one week of finishing your first activity. So, if you go out on Wednesday, March 8, make sure to upload the digital to the service learning Dropbox and bring a hard copy on Wednesday, March 15. (If you are in the Tuesday/Thursday class, bring the assignment the following day, Thursday, March 16.)

Follow the same timeline for Assignment #2, which will be completed after the second service learning activity.

Assignment #1: First Session

- ☐ Section 1: What did you learn about the candidates' and TALB's views on educational priorities? If you walked a precinct, what stood out to you about the neighborhood? [Be mostly descriptive, not evaluative.]
- ☐ Section 2: How did registered voters respond to the message and materials? [Be mostly descriptive, not evaluative.]
- ☐ Section 3: To what extent to the candidates' platforms address the needs of low-income, Latina/o students? [Be evaluative, not just descriptive.]
- ☐ Section 4: If you were running for office and wanted to improve Latina/o educational achievement, what would be your top three priorities?

Assignment #2: Second Session

The second assignment is very similar to the first one, but the difference has to do with you as a student. Now that you phone banked or precinct walked a second time, reflect on the extent to which your views deepened or changed with regards to the following questions.

- ☐ Section 1: What did you learn about the candidates' and TALB's views on educational priorities? Are they on target or do they need to be different? If you walked a different precinct, what stood out to you about the neighborhood?
- ☐ Section 2: How did registered voters respond to the message and materials the second time you phone banked or precinct walked?

Format

- ☐ Use the same format for both assignments. Minimum of 2 pages, maximum of 4 pages; double-spaced; one-inch margins; 12-font; Times New Roman. NOT in essay format.

TO THE FPPC

I am filing this complaint on behalf of the following student organizations at Cal State University Long Beach: La Raza Student Association and Young Democratic Socialists of America. For your information, we are also attaching the complaint filed with CSULB by one of our fellow students and a copy of the Service Learning assignment sheet referenced below.

The facts

The facts that led us to make this submission about possible FPPC-covered violations were first described in a separate complaint by a student to Cal State Long Beach (CSULB) regarding possible violations of academic regulations. Here is what that student reported.

“ I would like to file a complaint regarding a professor's unethical assignment. This semester I was enrolled in Rigoberto Rodriguez’s Latinos in the U.S. class (CHLS 350). Since it was a service learning class, part of our grade consisted of ground work in the community. For those who could not attend the canvassing work, there was an alternative assignment to phone bank for a specific LBUSD candidate, Juan Benitez, who is also the Executive Director of Community Engagement at CSULB. We had to phone bank for at least eight hours by a certain date to receive credit for the assignment that is worth 20% of our grade. I was unaware of the specifics of the assignment as some details were left out in the description from BeachBoard. It was not until I was at the phone banking location and heard the other volunteers mention Benitez that I become aware of what was going on. I found it disturbing that I and many other students were required to promote a political candidate without being informed of beforehand or without Rodriguez even mentioning that there were other possible candidates. I am bothered that a professor discretely managed to use his authority to promote a specific political agenda.”

In the assignment paper under the header of *Instructions*, a link to the Teachers Association of Long Beach website is provided which promotes Dr. Juan Benitez for Long Beach School Board. Thus, a faculty member at Cal State Long Beach was using his position of power to force his students to campaign for one candidate without allowing the possibility for students to choose which candidate to support. The assignment is attached displaying this occurrence.

Why we are asking for investigation and action by the FPPC.

As students, we think it is wrong for a Professor to use class time and our service learning time to support one candidate against others in a contested election. We understand that CSULB has already assigned Associate Vice President for Faculty Affairs Mark Wiley to investigate this situation “as it’s related to a faculty member.”

But we are complaining to the FPPC because we think this is a bigger issue than one professor’s behavior. We don’t want any student to ever be coerced to work in a partisan campaign and we do want public colleges and universities to be placed on notice that they must not tolerate such coercion. Furthermore, being that a School Board Member has the power to affect the lives of students within the Long Beach community, we believe that this issue affects both the students and parents of Long Beach.

Because of these concerns, we would ask you to consider not just Dr. Rigoberto’s assignment but also:

- 1) The role of the candidate himself, Dr. Benitez, who supervises service learning at CSULB. Did he either encourage or fail to discourage Dr. Rodriguez from assigning students to work in the campaign? If so, did he directly or indirectly violate the law?
- 2) Since any campaign work done by students was done at the direction of a Cal State professor as part of Cal State coursework, does CSULB need to report the value of student's worktime as an illegal campaign contribution? What steps should CSULB and other campuses be required to take with regard to this case, and to prevent future violations? Did the professors' behavior place CSULB in violation of the law?
- 3) We understand that FPPC is the agency of first resort for reporting election law violations, but that you also refer cases to state or county authorities where appropriate? Does this particular case merit referral to the Attorney General's office or to some other public agency?

The possible violations of state law

We labeled this a complaint about "Violation of Rules Regarding Contributions." This is based on California Code Section 8314 which says *'It shall be unlawful for any elected state officer, appointee, employee, or consultant to use or permit others to use state resources for a campaign activity.'* But we are not experts on the law, so we ask that FPPC look at the facts and decide what laws or regulations may have been violated.

The suspected violations occurred when Professor Rodriguez – acting in his professional role as a CSULB faculty member – offered students course credit for working in the political campaign of one, and only one, of the three candidates for a seat on the Long Beach Unified School District School Board. He required students donate eight hours of time to campaign work, in order to receive credit. This looks to us like it might be a violation of the California Education Code 66607, quoted below, since he used his work time to assign us campaign work and he caused students to donate their volunteer time to a campaign.

The violation is made worse, in our view, by the fact that the supported candidate, Dr. Juan Benitez, is executive director of the CSULB Center for Community Engagement (<http://www.cla.csulb.edu/departments/chls/faculty-and-staff/juan-manuel-benitez-ph-d/>) which is responsible for coordinating service learning at CSULB. (<http://web.csulb.edu/divisions/aa/personnel/cce/>)

We can't claim to be experts on campaign regulations, but we did briefly review online legal information. Below we summarize some of the laws and rules which raise questions for us about possible legal violations.

In the Cal State Handbook of Election Issues we read:

*“The law prohibits the use of public funds for political campaign activity. As stated in the leading case which established this principle, *Stanson v. Mott* (1976) 17 Cal.3d 206, 210: ‘[A] public agency may not expend public funds to promote a partisan position in an election campaign.’ ... Government Code section 8314 similarly provides: ‘It shall be unlawful for any elected state officer, appointee, employee, or consultant to use or permit others to use state resources for a campaign activity . . . which [is] not authorized.’” (<http://www.calstate.edu/gc/docs/electionissues.pdf>)*

“This rule of campaign neutrality is consistent with other laws that establish the foundational principle that the CSU must remain ‘entirely independent of all political and sectarian influence.’ (Cal. Educ. Code § 66607.)”

In the “Political Reform Act of 1974 as amended through 2018 (http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/The%20Political%20Reform%20Act/2018_Act_FINAL.pdf) we additionally learned about the following legal provisions:

82022.5(e) “Election related-activities” are defined to include “recruiting or coordinating campaign activities of campaign volunteers on behalf of the candidate.”

84300(c) “The value of all in-kind contributions of one hundred dollars or more shall be reported in writing.”

In the Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations, Section 18420 (<http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter4/18420.pdf>) we found the following:

A candidate that “receives contributions from a state or local government agency must report receipt of those contributions.” Contributions from a government agency include – not just payments made directly from the agency’s budget – but also the salary the public employee receives while engaged in “campaign activities” including “participating in partisan get out the vote drives.”

Additionally, a government agency that makes campaign contributions “must file campaign statements” under some circumstances.

The regulations further warn that “Nothing in this regulation may be read as condoning or authorizing campaign-related activities by a state or local government agency. Under many circumstances, such activities may be illegal.”

Enclosures

For your information, we are also providing the original complaint from one of Dr. Rodriguez’s students and a copy of the Service Learning assignment sheet.