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3 Advocates For:  
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8 BEFORE THE INSURANCE COMMISSIONER  
9 OF THE STATE OF CALIFORNIA

10 IN RE CONSUMER FEDERATION OF  
11 CALIFORNIA REQUEST FOR GENERAL  
12 FINDING OF ELIGIBILITY TO SEEK  
13 COMPENSATION; EFFECTIVE FOR TWO  
14 YEARS

15 CONSUMER FEDERATION OF  
16 CALIFORNIA REQUEST FOR FINDING OF  
17 ELIGIBILITY TO SEEK COMPENSATION  
18 PURSUANT TO CALIFORNIA INSURANCE  
19 CODE § 1861.10 AND CALIFORNIA CODE  
20 OF REGULATIONS, TITLE 10 § 2662.2

21 The Consumer Federation of California (CFC) respectfully submits this verified, general<sup>1</sup>  
22 Request for Finding of Eligibility to Seek Compensation pursuant to California Insurance Code  
23 (Cal. Ins. Code) § 1861.10 and California Code of Regulations, Title 10 (Cal. Code Regs., Tit. 10)  
24 § 2662.2. If granted the general finding of eligibility is effective for two years from the date the  
25 general finding of eligibility is made. As demonstrated more fully below and as supported by the  
26 attached exhibits, CFC represents the interests of California consumers and specifically CFC  
27 represents the interests of California *insurance* consumers.

28 **I. The Consumer Federation of California Represents the Interests of California  
Consumers and Specifically the Interests of California Insurance Consumers**

CFC is a non-profit 501(c)(4) federation of organizations and individual consumer  
members, organized for the purpose of consumer protection. The organizational members are

<sup>1</sup> It is our understanding that while the regulation, Cal. Code Regs., Tit. 10 § 2662.2, requires this request for a finding of eligibility is to be filed in "conjunction with an ongoing proceeding," the request itself is not "specific" to the proceeding it is being filed in conjunction with. Therefore, herein we use the term "general" to mean a blanket ruling recognizing CFC's blanket or "general" eligibility to seek compensation as a representative of California insurance consumers in future matters before the Commissioner. Further, it is our understanding that, should the Commissioner make a general finding that CFC is eligible to seek intervenor compensation, that general finding will be valid, for two years, in any proceeding in which CFC seeks intervenor status.

1 comprised of California consumer groups, senior citizen groups, labor organizations, and various  
2 community groups.<sup>2</sup>

3       Founded in 1960, as the Association of California Consumers,<sup>3</sup> CFC (an affiliate of the  
4 Consumer Federation of America<sup>4</sup>), has been advocating for consumers for over 50 years. The  
5 central purpose of this organization has been, and continues to be, defending and advocating for  
6 the interests of consumers. CFC is also dedicated to educating the public regarding consumer  
7 issues<sup>5</sup> and advocating for laws and regulations that protect consumers. In advocating for  
8 consumers CFC promotes consumer interests in the state legislature, in front of various  
9 governmental agencies, in administrative tribunals, and in courts of law. CFC also represents  
10 consumers in public campaigns related to ballot initiatives proposing changes in law that may  
11 potentially impact consumers.

12       Throughout its history the central purposes of this organization have remained unchanged.  
13 The Consumer Federation of California's Articles of Incorporation set forth these central  
14 purposes, which are:

15  
16       . . . to promote the interests of consumers, using peaceful, lawful methods to: (1)  
17 agree upon specific consumer legislation and issues and to propose and marshal  
18 support for such legislation, and issues, at all levels of local, state and federal  
19 government; (2) represent, advocate or promote consumers before any or all public  
20 agencies or decision making bodies at all levels of local, state or federal  
21 government and before any or all private organizations, agencies, commissions or  
22 decision making bodies; (3) represent consumers and the interests of residential  
23 customers for the purpose of participating in administrative, commission  
24 proceedings and litigation within the maximum legal limits allowed of a 501(c)(4)  
tax exempt corporation under Federal and California law; (4) promote the  
organization of local consumer groups and encourage their affiliation with the  
Consumer Federation of California; and (5) cooperate with the Consumer  
Federation of America and similar state and national federations.

24  
25 <sup>2</sup> A list of organizational members is attached as Exhibit H.

26 <sup>3</sup> The organization's name was changed to Consumer Federation of California in 1972.

27 <sup>4</sup> The Consumer Federation of America (CFA) is an association of non-profit consumer organizations that was  
28 established in 1968 to advance the consumer interest through research, advocacy, and education. Today, nearly 300  
consumer interest groups participate in the federation and govern it through their representatives on the organization's  
Board of Directors.

<sup>5</sup> As to its advocacy and education functions, CFC sponsors the Consumer Federation of California Education  
Foundation, a 501(c)(3) not-for-profit California corporation.

1 Public policy guiding CFC's consumer representation, education and advocacy activities is  
2 set by its Policy Board.<sup>6</sup> CFC officers and board members are elected at a biennial convention of  
3 CFC general membership. CFC members also vote to adopt resolutions consistent with CFC's  
4 purposes, and these resolutions guide the Policy Board and staff in taking positions on legislation,  
5 public policy and other relevant consumer-related issues.

6  
7 **A. CFC Represents the Interests of California Insurance Consumers at the**  
8 **California Department of Insurance and in General in Other Forums.**

9 CFC has advocated for insurance consumer interests, at the California Department of  
10 Insurance (the CDI), on an informal basis, for many years. Since 2006 CFC has, in various  
11 capacities, advocated for insurance consumers in more formal rulemaking and rate matters before  
12 the Insurance Commissioner and / or at the California Department of Insurance. Some of the  
13 matters in which CFC was involved are as follows:

- 14
- 15 • In 2006 CFC participated in California Department of Insurance rulemaking  
16 entitled: *Proposed Prior Approval of Insurance Rate Regulations*, CDI File No. RH  
05042749;
- 17 • In 2006 CFC participated in California Department of Insurance rulemaking  
18 entitled: *Prior Approval Insurance Rate Regulations*, CDI File No. RH 05042749;
- 19 • In 2006 CFC participated in California Department of Insurance ratemaking  
20 entitled: *Low Cost Automobile Insurance Rates*, CDI File No. RH 05050092;
- 21 • In 2006 CFC participated in California Department of Insurance rulemaking  
22 entitled: *Title Insurance Rate Regulation*, CDI File No. RH0504799;
- 23 • In 2008 CFC participated in California Department of Insurance rulemaking:  
24 *Usage Based Auto Insurance*, CDI File No. REG 2008-00020;
- 25 • In 2012 CFC participated in California Department of Insurance rulemaking  
26 workshop entitled: *Scope of Prior Approval*, CDI File No. OV-2011-00076 and  
27 • In 2012 CFC participated in California Department of Insurance rulemaking  
28 entitled: *Standards for Repairs and Use of Aftermarket Car Parts*, CDI File No.  
REG 2011 00024.

<sup>6</sup> The term Policy Board is the functional equivalent of Board of Directors. Cal. Code Regs., Tit. 10 § 2662.2(a)(2)(C) refers specifically to "Board of Directors." CFC's Policy Board is its "Board of Directors."

1 CFC also represents the interests of consumers in other regulatory proceedings. For the  
2 past eight years, CFC has participated as an intervenor in proceedings before the California Public  
3 Utilities Commission (CPUC), representing the interests of residential utility ratepayers. CFC has  
4 intervened in the proceedings dealing with the following subject matters: PG&E's general rate  
5 case; reconfiguration of payments for gas utilities public purpose program surcharges; transfer of  
6 assets of the state's largest petroleum pipeline utility; development of rules for limited English-  
7 speaking telecommunications consumers; water conservation pricing for investor-owned water  
8 utilities; establishment of consumer privacy protections as an element of the deployment of the  
9 smart grid for electricity; development of rules for pricing and infrastructure for electric vehicle  
10 charging systems, energy storage, clean energy, and telephone service quality. CFC's work in the  
11 first two items listed above helped reduce proposed rate hikes for residential gas and electric  
12 utility consumers by over \$600 million a year.

13 **B. CFC Personnel Have and Will Continue to Represent the Interests of**  
14 **California Consumers**

15 **Richard Holober**

16 Richard Holober is the Executive Director of the Consumer Federation of California. Mr.  
17 Holober has served in this capacity since 2001. As Executive Director, Mr. Holober has advocated  
18 on behalf of consumers, and specifically insurance consumers, before consumer groups,  
19 regulators, legislators, agencies, lawmakers and in public campaigns.

20 In 2006, at the request of former Insurance Commissioner John Garamendi, under the  
21 leadership of Mr. Holober, CFC initiated a project designed to increase awareness of California's  
22 Low Cost Automobile Insurance Program. Having obtained funding from a philanthropic  
23 foundation, CFC's education and research arm, CFC Education Foundation, launched the program  
24 which was targeted at San Francisco and Alameda Counties. This project ran for two years, and  
25 entailed extensive outreach to insurance producers, local government agencies and community-  
26 based organizations that serve low-income communities. The project surpassed its goals in  
27 increasing the number of local residents that enrolled in the low-cost insurance program.

28 Subsequently, former Insurance Commissioner Steve Poizner appointed Mr. Holober to sit

1 on the Blue Ribbon Review Committee of the Commissioner's then, newly established Advisory  
2 Task Force on Insurance Fraud. In this capacity Mr. Holober was instrumental in the review and  
3 publication, in 2008, of a comprehensive task force study on insurance fraud.

4 Further, at around the same time, in his capacity as consumer advocate, Mr. Holober  
5 helped influence the Commissioner in reconsidering his plan to sponsor a ballot initiative that  
6 would have required local police to confiscate vehicles driven by uninsured motorists. Mr.  
7 Holober convinced the Commissioner to abandon the proposed regulation and to instead refocus  
8 his efforts on strengthening outreach for California's Low Cost Automobile Insurance Program.

9 In other advocacy before the Department of Insurance, in 2008, Mr. Holober provided  
10 testimony regarding the privacy implications of regulations sought by the insurance industry that  
11 would have mandated installation of mileage recording and transmitting devices for determining  
12 motor vehicle renewal rates for policyholders.

13 Mr. Holober also takes an active role in prior approval rate cases at the CDI where CFC is  
14 an intervenor.

15 **James Gordon**

16 James "Jim" Gordon has served as President of the CFC Policy Board since October 2000  
17 and has been reelected every two years since. Along with Mr. Holober and the Policy Board, Mr.  
18 Gordon is responsible for seeing to it that CFC remains effective and successful in reaching its  
19 consumer protection goals.

20 Since 2005, Mr. Gordon has served on the California Automobile Assigned Risk Plan  
21 (CAARP) Advisory Board representing consumers as an appointee of the Insurance  
22 Commissioner. The CAARP plan was created to provide an alternative source of automobile  
23 insurance for motorists unable to obtain coverage in the private sector due to their driving records  
24 or other extraordinary circumstances. The CAARP Board also oversees the California Low Cost  
25 Automobile Insurance Program, which is designed to provide affordable liability insurance to low-  
26 income drivers. Through Mr. Gordon, CFC advocates for insurance consumers in terms of  
27 overseeing the implementation of CAARP rules and regulations. Likewise Mr. Gordon advocates  
28 for low-income insurance consumers by monitoring and promoting the California Low Cost

1 Automobile Insurance Program.

2 **Douglas Heller**

3 Douglas Heller is a consumer advocate and insurance expert retained by CFC to assist in  
4 its regulatory interventions. Mr. Heller is an independent consultant under contract to CFC. Mr.  
5 Heller is a nationally-recognized consumer advocate with extensive expertise in insurance  
6 regulatory matters. Mr. Heller has more than fifteen years experience as a consumer advocate  
7 focusing on property-casualty insurance rates and policies. Since 1999, Mr. Heller has participated  
8 and / or intervened in numerous rulemaking and ratemaking proceedings before the Department of  
9 Insurance, having a particular focus on matters related to, or governed by, Proposition 103.

10 Between 1997 and 2013, Mr. Heller worked in various capacities for the nonpartisan,  
11 nonprofit organization Consumer Watchdog, including serving as its Executive Director from  
12 2004 until 2012. Mr. Heller was the lead insurance advocate during most of the 16 years he spent  
13 with the organization. Examples of Mr. Heller's ratemaking, rulemaking and other insurance  
14 advocacy include:

- 15 • *In the Matter of the Rate Application of Farmers Insurance Exchange, Fire*  
16 *Insurance Exchange, and Mid-Century Insurance Company*, CDI File No. IP-2013-  
17 00011;
- 18 • *In the Matter of the Rate Application of Progressive West Insurance Company*, CDI  
19 File No. IP-2012-00011;
- 20 • *In the Matter of the Rate Application of Coast National Insurance Company*, CDI  
21 File No. IP-2012-00010;
- 22 • *In the Matter of the Rate Application of State Farm General Insurance Company*,  
23 CDI File No. IP-2011-00010;
- 24 • *In re proposed amendments to Subchapter 4.9, Title 10 of the California Code of*  
25 *Regulations, Chapter 5, Subchapter 4.7, Section 2632.5 (Pay as you Drive, Usage*  
26 *Based Auto Insurance Regulations)*, CDI File No. IP-2008-00043, in which he  
27 served as an advocate and expert for Consumer Watchdog; and
- 28 • *In re RH 03 02 6431 and RH 03 02 6432, Low Cost Automobile Insurance Rates*,  
CDI File No. IC 03 03 3218, in which he served as an advocate and expert for  
Consumer Watchdog.

1 In addition to the above listed matters in which he served as an advocate and / or expert,  
2 Mr. Heller is a "Consumer Representative," appointed by the Insurance Commissioner, to sit on  
3 the California Automobile Assigned Risk Plan Advisory Board.

4 Mr. Heller was a featured speaker at a May 16, 2013 symposium regarding the regulation  
5 of California's insurance industry presented for MCLE credit by The Insurance Law Committee of  
6 the California State Bar. He is the coauthor of a report entitled: *What Works: A Review of Auto*  
7 *Insurance Rate Regulation in America and How Best Practices Save Billions of Dollars*. This  
8 seminal report was published by the Consumer Federation of America in 2013.

9 **Bickmore and Associates, Inc.**

10 In its insurance rate regulatory work, CFC contracts the services of Bickmore and  
11 Associates, Inc. (Bickmore) to provide actuarial expertise.

12 Established in 1960, Bickmore is Sacramento-based risk services consulting firm.  
13 Bickmore has extensive experience with property and casualty insurance ratemaking and  
14 substantial experience with the Proposition 103 prior approval insurance rate regulations.  
15 Bickmore personnel have extensive experience, in general, in the California insurance regulatory  
16 environment.

17 Bickmore has an actuarial team of 13 professionals with more than 100 years of combined  
18 actuarial consulting experience with general liability, auto, property, and workers' compensation  
19 programs for a variety of public and private sector clients. The firm employs more than 100  
20 professional and support staff, including credentialed insurance professionals. The Bickmore team  
21 includes five Fellows of the Casualty Actuarial Society (FCAS) and two Associates of the  
22 Casualty Actuarial Society (ACAS), all of whom are Members of the American Academy of  
23 Actuaries (MAAA). Bickmore clients include both public and private entities in over 30 states.

24 **Donald P. Hilla**

25 Senior Regulatory Counsel Donald P. Hilla spent more than 22 years at the California  
26 Department of Insurance enforcing insurance laws. Mr. Hilla was a member of the litigation team  
27 that tried the first Proposition 103 test case, *20<sup>th</sup> Century v. Garamendi*. This case ended in the  
28 California Supreme Court, where the Commissioner's prior approval regulatory scheme was ruled

1 constitutional.

2 As a CDI attorney Mr. Hilla logged many hundreds of hours in rate hearings and  
3 eventually went on the lead litigation teams in any number of Proposition 103 rate cases. Hilla  
4 also represented the California Department of Insurance in many rate cases that did not go to  
5 hearing but instead, ended in stipulated settlements or other resolutions.

6 Mr. Hilla's experience at the CDI encompassed much more than rate-related matters. Mr.  
7 Hilla drafted and reviewed legislation, drafted and promulgated numerous regulations relating to  
8 insurance laws. Mr. Hilla sat on any number of panels, and at time acted as chair, in any number  
9 of rulemaking hearings during his tenure at CDI.

10 As to law enforcement, Mr. Hilla conducted / coordinated investigations, gathered  
11 evidence and brought any number of noncompliance cases against insurance companies.<sup>7</sup> As will  
12 some rate cases, many of the noncompliance case pursued by Mr. Hilla did not go to hearing but  
13 instead, ended in stipulated settlements or other resolutions.

14 Mr. Hilla's experience is not limited to property and casualty lines and coverages. Mr.  
15 Hilla also has extensive experience in litigating matters relating to life insurance, title insurance  
16 and health insurance products. Specifically as to health insurance, Mr. Hilla engaged in  
17 rulemaking and protracted litigation relating specifically to the abuse of discretionary clauses in  
18 health insurance claims.

19 Mr. Hilla was also one the first staff counsel at CDI to bring noncompliance actions against  
20 title insurers. Mr. Hilla prosecuted a series of cases against title insurers alleging illegal activities  
21 on the part of title insurers where employees of the title insurance companies were illegally  
22 influencing real estate brokers in steering business to specific title insurers. This line of cases  
23 became the model for a number of similar, title insurance related cases that followed.

24 Mr. Hilla also prosecuted a number of cases against life insurers. In one group of cases life  
25 insurers were refusing to issue policies based on the gender and / or relationship of the insured to  
26 the beneficiary, which was illegal. Prosecuting these cases caused the life insurance industry to  
27 stand up and take notice as this type of noncompliant activity quickly came to a halt in California

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<sup>7</sup> Noncompliance cases are cases prosecuted by the CDI alleging an insurer is in noncompliance with the insurance laws.



1 once word got out that CDI was prosecuting these kinds of noncompliant activities. In another life  
2 insurance related case Mr. Hilla prosecuted a life insurer for telling clients they were opening a  
3 retirement account when the “account” was actually a life insurance policy. This case resulted in  
4 what were then record fines and returned premium.

5 Mr. Hilla’s work at CDI, in terms of both rate relief and fines levied, resulted in many  
6 millions of dollars returned to insurance consumers and / or dollars saved by consumer in the form  
7 of lower insurance rates. And, and in some cases, Mr. Hilla’s work resulted in consumers  
8 receiving actual, premium rebates. While at CDI, Mr. Hilla’s cases resulted in many millions of  
9 dollar in fines and penalties deposited into the General Fund.

10 Below is a sampling of CDI matters in which Mr. Hilla was involved, or acted as lead  
11 counsel on:

- 12 • *In the Matter of the Rates, Rating Plans, or Rating Systems of Travelers*  
13 *Companies*, CDI File No. NC-2009-00007, 2009;
- 14 • *In the Matter of the Rates, Rating Plans, or Rating Systems of Farmers Insurance*  
15 *Exchange; Fire Insurance Exchange; Mid-Century Insurance Company*, CDI File  
16 No. NC03029253, 2005;
- 17 • *Fireman’s Fund Insurance Company v. Charles Quackenbush*, Court of Appeal,  
18 First District, Division 5, California, February 03, 1997;
- 19 • *American Ins. Assn. vs. Garamendi*, California Court of Appeal, Third Appellate  
20 District, 2003;
- 21 • *In the Matter of the Rate Applications of Allstate Insurance Company and Allstate*  
22 *Indemnity Company*, Applicants, CDI File No. PA-2006-00006, 2006 and
- 23 • *In the Matter of the Mercury Insurance Company*, NC-03027545, March 2006.

24 Mr. Hilla is CFC’s Senior Regulatory Attorney who, in addition to advising on  
25 insurance matters, leads CFC’s intervention on matters before the California Public Utilities  
26 Commission. Mr. Hilla is currently involved in several matters at the CPUC, the outcomes of  
27 which impact consumers in terms of electricity rates and rate design structures used to calculate  
28 rates.

**C. CFC Was Found Eligible to Seek Compensation in 2012 and Has Recently  
Been Granted Intervenor Status in Four Proposition 103 Rate Cases at the  
California Department of Insurance**

1           Approximately two years ago, on April 20, 2012, pursuant to its request, CFC was found to  
2 be generally eligible to seek compensation by the Insurance Commissioner in accordance with  
3 Cal. Code Regs., Tit, 10, Section 2662.2. In addition to involvement in the matters described  
4 above, since April 2012, CFC has intervened in several rate proceedings. The most recent rate  
5 proceedings include:

6                   **1. Farmers Insurance Exchange: PA 2013-00011**

- 7                   A. Application Filed: (on or around) June 19, 2013
- 8                   B. Petition to Intervene Filed: August 9, 2013
- 9                   C. Intervenor Status Granted: August 19, 2013
- 10                  D. Stipulation Signed: November 12, 2013
- 11                  E. Request for Compensation Filed: February 3, 2014

12                   **2. State Farm: PA 2013-00012**

- 13                  A. Application Filed: (on or around) August 19, 2013
- 14                  B. Petition to Intervene Filed: October 8, 2013
- 15                  C. Intervenor Status Granted: October 24, 2013
- 16                  D. Stipulation Signed: February 25, 2014
- 17                  E. Request for Compensation Filed: March 31, 2014

18                   **3. Chartis: PA 2013-00013**

- 19                  A. Application Filed: (on or around) October 9, 2013
- 20                  B. Petition to Intervene Filed: December 5, 2013
- 21                  C. Intervenor Status Granted: December 20, 2013

22                   **4. Infinity: PA-2014-00002**

- 23                  A. Application Filed: (on or around) January 16, 2014
- 24                  B. Petition to Intervene Filed: March 24, 2014
- 25                  C. Intervenor Status Granted: April 8, 2014

26                   **D. CFC Represents the Interests of Consumers, and Specifically**  
27                   **Insurance Consumers, in the Legislature**

28                   To achieve its consumer advocacy goals, CFC's staff monitors legislation on an on-

1 going basis, meets with legislators, appears at legislative hearings and performs the multitude of  
2 tasks necessary to effectively represent consumers by promoting or opposing legislation that  
3 affects them.

4 In each legislative session, CFC advocates for or against several dozen bills that may have  
5 the potential to impact California consumers. CFC meets with legislators and testifies on bills  
6 affecting privacy rights, utility regulation, false advertising, car buyers' rights, predatory lending,  
7 reverse mortgage protection, non-English speaking consumers' rights, senior citizens' issues,  
8 nursing home staffing, prescription drug labeling and marketing practices, food safety, consumer  
9 access to justice, household toxics, clean air and water, for-profit colleges, insurance regulatory  
10 issues and a host of others. In many budget battles over the years, CFC has testified and published  
11 opinion pieces defending against budget cuts that would cause harm to various programs that serve  
12 low income, senior citizens and / or California consumers in general.<sup>8</sup>

13 Specifically, as to insurance consumers, CFC works in supporting and opposing proposed  
14 legislation impacting California insurance consumers. In the past CFC has supported legislation  
15 that would subject health insurance rates to the prior approval rate process, legislation that would  
16 require large insurers to report on their minority, women and disabled-owned business  
17 procurement efforts; legislation that would prohibit insurance agents and brokers from receiving  
18 any compensation for referring customers to a seller of reverse mortgages and legislation that  
19 would require an insurer of long term care insurance to post an insurance rate guide on its website  
20 with information about coverages and costs for plans that are offered.

21 CFC also publishes a quarterly newsletter, *The California Consumer*, which keeps  
22 California consumers up-to-date on myriad consumer issues.

23 Clearly, CFC provides rigorous advocacy in the legislature including zealous  
24 representation in the California legislature of consumer interests and specifically insurance  
25 consumer interests.

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#### **E. CFC Represents the Interests of Consumers in Measures Brought Before the Voters**

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<sup>8</sup> Please refer to attached copies of *The California Consumer* for the latest on CFC legislative efforts.

1 CFC is also active in supporting and opposing ballot measures affecting consumers.  
2 Central to this advocacy effort is voter education and outreach.

3 One example concerns the prohibition on rating a policy of automobile insurance on the  
4 basis of a lapse in insurance coverage. That policies cannot be rated based upon a lapse in  
5 coverage is considered to be a key component of Proposition 103. In 2010, CFC played a central  
6 role in the battle to defeat Proposition 17, which would have allowed insurers to raise rates if an  
7 insured had a lapse in insurance coverage. In essence the initiative aimed to create a new auto-  
8 rating factor, a rating factor detrimental to the interests of California insurance consumers, while  
9 doing away with one of Proposition 103's most important consumer protections. The voters of  
10 California rejected the initiative thanks, in great part, to the advocacy, education, outreach and  
11 organizational work done by CFC.

12 In 2012, CFC joined with other consumer advocates to defeat Proposition 33, again taking  
13 a leadership role in organizing opposition to this initiative. While there were some amendments to  
14 the proposed statutory language, Proposition 33 was essentially the same initiative as Proposition  
15 17. And like its predecessor, and thanks in great part to the leadership of CFC, Proposition 33 also  
16 failed at the ballot box.

17 These are but examples of CFC advocacy as it relates to issues going before California  
18 voters in the form of ballot initiatives. CFC has and will continue to perform consumer education  
19 and voter outreach pertaining to the California initiative process and California insurance  
20 consumers.

21 **F. CFC Educates Law Makers and the Public on Consumer Issues**  
22 **through Its Newsletter and Website**

23 As stated above, CFC educates members, legislators and the public regarding consumer  
24 issues in face-to-face meeting and by testifying before legislative committees and also through its  
25 newsletter, *The California Consumer*. The publication provides quarterly updates as well as timely  
26 alerts on matters of concern to consumers, and is supplemented by bulletins as needed. CFC also  
27 maintains a sophisticated website alerting consumers and legislators to consumer issues.

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**II. Attached Exhibits**

Attached please find the following exhibits, each of which is incorporated herein by this reference:

Exhibit A: A copy of Consumer Federation of California's articles of incorporation and by-laws (Cal. Code Regs., Tit. 10. § 2662.2(a)(2)(A));

Exhibit B: Approximate number of current of members (Cal. Code Regs., Tit. 10 § 2662.2(a)(2)(B));

Exhibit C: A list of CFC's current Policy Board -- including the name and business address of each director and/or the name and business address of the principals of the group if it is not a corporation (Cal. Code Regs., Tit. 10 § 2662.2(a)(2)(C));

Exhibit D: Newsletter circulation, if any, along with a representative sample of newsletters and/or any other publications issued by the intervenor in California during the previous twelve (12) months (Cal. Code Regs., Tit. 10 § 2662.2(a)(2)(D));

Exhibit E: Any annual or year-end report for the prior year (Cal. Code Regs., Tit. 10 § 2662.2(a)(2)(E));

Exhibit F: Statement as to whether or not the group has been granted non-profit status under Internal Revenue Code Section 501(c) (Cal. Code Regs., Tit. 10 § 2662(a)(2)(F));

Exhibit G: A listing, by general category, of the Consumer Federation of California's funding sources for the prior twenty-four (24) months and the approximate total percentage of Consumer Federation of California's annual budget from each funding category. Each foundation, corporate, business, or government grant shall be separately listed by name of foundation, corporation, business, or government agency and amount of grant. For each individual who contributed at least five percent of the group's annual budget, the name of the individual and the total amount of the annual contribution shall be separately listed (Cal. Code Regs., Tit. 10 § 2662.2(a)(2)(G));

Exhibit H: list of organizational members, and

Exhibit I: List of highlighted 2012-2013 legislation.

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**III. CFC Respectfully Asks That the Insurance Commissioner Determine That CFC is Eligible to Seek Compensation**

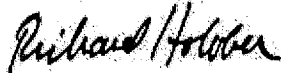
The Consumer Federation of California is committed to continuing its representation of and advocacy for California consumers and therefore seeks re-approval of its request for a finding of intervenor eligibility. If the request is granted CFC intends to continue to participate in rulemaking matters, ratemaking matters, and other proceedings before the California Department of Insurance and the Insurance Commissioner in pursuit of consumer protection and in keeping with the public interest.

CFC believes it has complied with all the requirements of Cal. Code Regs., Tit. 10. § 2662.2 and asks that the Public Advisor determine that CFC has complied with those requirements and that this filing is complete.

Additionally, CFC respectfully requests that based on the information set forth above, that the Insurance Commissioner determine that CFC represents the interests of consumers and grant its request for a finding of eligibility to seek compensation of its reasonable advocacy and witness fees and expenses.

Dated: April 11, 2014

Submitted Respectfully,



RICHARD HOLOBER  
Executive Director  
THE CONSUMER FEDERATION OF CALIFORNIA

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**VERIFICATION**

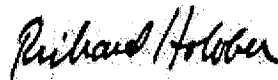
I am the Executive Director of the Consumer Federation of California and I am authorized to make this verification on its behalf. I verify that where the information contained in these documents, that is based upon my first hand knowledge, is true and correct. To the extent the information is not based upon my first hand knowledge, the truth of the matters as set forth are based upon information and belief, are of a type easily determined to be true and correct and I believe the information to be true and correct.

Please be advised that the Consumer Federation of California has been granted non-profit status under Internal Revenue Code Section 501(c) (Cal. Code Regs., Tit. 10 § 2662(a)(2)(F)).

I declare under penalty of perjury under California law that the foregoing is true and correct.

Dated: April 11, 2014

Submitted Respectfully,



RICHARD HOLOBER  
Executive Director  
THE CONSUMER FEDERATION OF  
CALIFORNIA

Exhibit A

Exhibit A: A copy of Consumer Federation of California's articles of incorporation and by-laws (Cal. Code Regs., Tit. 10. § 2662.2(a)(2)(A)).

See the next and subsequent pages.

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**Exhibit A - Part 1**

Consumer Federation of California

**Bylaws**

As Amended  
October 3, 2008

# Consumer Federation of California Bylaws

## ARTICLE 1

This organization, to be known as the Consumer Federation of California, shall promote the interests of urban and rural consumers, using peaceful, lawful methods to achieve the following objectives:

- |                 |  |
|-----------------|--|
| Legislation:    | Agreement upon specific consumer legislation and issues, and propose and marshal support for such legislation and issues, at all levels of government. |
| Representation: | Represent consumers before public and private agencies at all levels.  |
| Local Groups:   | Promote the organization of local consumer groups and encourage their affiliation with the Federation.   |
| Cooperation:    | Cooperate with the Consumer Federation of America and similar state and national federations.  |

The principal office of the corporation in the State of California shall be located in a California city as designated by the Policy Board from time to time. The corporation may have such other offices as the Policy Board may determine or as the affairs of the corporation may require from time to time.

## ARTICLE 2 Membership

### Section 2.1 Individual Members

Any person who resides in the State of California and subscribes to the purposes and objective of the Federation set forth in the Articles of Incorporation of the Federation, is eligible for membership in the Federation upon payment of membership dues as established by the Policy Board.

### Section 2.2 Affiliated Organizations

Any non-partisan organization operating or incorporated in the State of California (including local chapters of national organizations) which subscribes to the purposes and objectives of the Federation set forth in the Articles of Incorporation of the Federation is eligible for membership in the Federation upon payment of membership dues as established by the Policy Board.

### Section 2.3 Non-Resident members

The Policy Board may admit to non-voting membership individuals and organizations outside the State of California who subscribe to the purposes of the Federation.

### Section 2.4 Additional Types of Membership

- (a) Affiliated organization members shall certify their membership totals to the Federation in such manner at the Policy Board may designate.
- (b) The types of membership provided for in these Bylaws shall not constitute different classes of membership for any purpose and this Federation has but one class of membership for the purpose of voting on any matter.

**Section 2.7 Admission to Membership**

Membership in the Federation is obtained by making written application for membership on a form prescribed, with the payment of dues and upon approval of the application by the Policy Board.

No organization or individual advocating the violent overthrow of our government may be a member of the Federation.

**Section 2.8 Suspension and Expulsion**

Any member may be duly suspended or expelled from the Federation by the Policy Board for any conduct deemed by the Board to be detrimental to the best interest of the Federation. Not less than twenty days prior to decision by the Board relating to the suspension or expulsion of a member, the Board shall cause written notice to be sent by certified mail to such member at the member's address as shown in the membership records of the Federation, advising the member of the allegations constituting the possible basis for suspension or expulsion and of the time and place of the meeting of the Board at which the matter is to be acted upon. The member involved is entitled to be present at such meeting and to be heard personally and through counsel of choice. The Policy Board may establish sub-committees of not less than three board members to hear any matter pertaining to suspension or expulsion, in which event the notice to the member shall advise the member appropriately and the member shall be entitled to the same rights as in a hearing before the Board. In the event the Board established a subcommittee to hear any such case, the Board shall decide the matter upon the report of the sub-committee without a further hearing. The Board shall cause notice of its decision to be sent by certified mail to the member. Within thirty days after the date of mailing such notice, the member may appeal the decision of the Policy Board to the membership by filing a written notice of appeal with the Secretary of the Policy Board. The notice of appeal need not be in technical language as long as its purpose is ascertainable with reasonable clarity. Any such appeal shall be voted on by the membership at its biennial convention held not less than thirty days after the filing of the notice of appeal. The decision of a majority of the members and delegates voting shall be final. Arguments on appeal shall not exceed one-half hour on each side.

**Section 2.9 Transfer of Membership**

Membership in this corporation is not transferable or assignable.

**Section 2.10 Liabilities and Property Rights of Members**

No member of the corporation, whether voting or non-voting, shall be personally liable to its creditors for any indebtedness or liability.

**Section 2.11 Public Statements**

Public statements on behalf of or in the name of the Federation may be made only by the President or by such person or persons as the President or Policy Board shall designate. The making of any unauthorized public statement on behalf of or in the name of the Federation shall constitute grounds for expulsion from membership. The provisions of this section are not intended to limit grounds of suspension or expulsion referred to in Section 2.8 of this Article.

**Section 2.12 Use of Membership Records**

The membership records of this Federation shall not be made available for the use or benefit of any other organization or for any purpose not directly related to the affairs of the Federation without the express prior consent of the Policy Board, subject to the rights of members to inspect the membership records at all reasonable times.

It is the intention of this section and the policy of the Federation to safeguard against any use of membership records which would subject members to unwanted mailings and/or solicitation.

**Section 2.13 Local and Regional Chapters**

- (a) The Policy Board may establish within the Federation, local or regional chapters.
- (b) Each member of the chapter shall be a member of the Federation.
- (c) Each chapter of the Federation shall be responsible for the collection of the amount of dues prescribed by Section 2.5 from each chapter member. The chapter shall transmit such portion of the dues collected to the Treasurer of the Federation as the Policy Board shall determine. The chapter may further set an additional amount of dues to be paid to, and received by, the chapter, subject to approval of the Policy Board.
- (d) Each chapter shall promulgate bylaws and rules of operation not in conflict with these bylaws, and pursuant thereto, shall elect officers and a governing board. Such officers and board shall have governance over all affairs of the chapter, to the extent that such affairs are not contrary to or in disharmony with the purposes and objective of the Federation.

**ARTICLE 3  
Conventions**

**Section 3.1 Governing Body**

The general convention of the Federation shall be the supreme governing body of the Federation.

The general convention of the Federation shall be held biennially at such time and place in the state of California as the Policy Board shall determine.

**Section 3.2 Notice of Convention**

Written notice of the time and place of holding the convention, the proposed agenda, and a message of the President shall be mailed to each member at his address as it appears on the membership records of the Federation at least sixty days preceding the date of the general convention.

**Section 3.3 Business of General Convention**

- (a) The convention shall pass upon matters properly raised in the convention or referred to it by the Policy Board. The order of business at the convention shall be as set forth by the Policy Board.
- (b) Resolutions and amendments to the Articles of Incorporation or Bylaws of the Federation proposed by any member shall be submitted in writing to the Secretary of the Federation not less than ten days prior to the date of the convention. All proposed resolutions and amendments shall be accompanied by a brief statement of their purpose and shall be referred for consideration and report to the appropriate committee of the convention. Resolutions may be submitted for referral to the Resolutions Committee prior to 11:00 AM of the opening session of the convention by a 2/3 vote of the delegates. This paragraph does not apply to resolutions and amendments proposed by the Policy Board.
- (c) The President may with consent of the Board appoint such committees as deemed necessary for the proper conduct of the convention, including without limitation,

committees on arrangements, credentials, registration, resolutions, amendments and elections.

#### Section 3.4 Voting

- (a) Decisions at any convention shall be by simple majority of those present and entitled to vote. Votes shall initially be voice votes. A division of the house shall be taken if, in the opinion of the chair or any ten delegates, the issue is in doubt. The provisions of this paragraph do not apply to proposed amendments to the Articles of Incorporation of the Federation.
- (b) Elections shall be by secret ballot as to any contested office.
- (c) There shall be no voting by proxy at any convention.
- (d) Each individual member or delegate from a member organization shall be entitled to only one vote. A delegate may not vote both as an individual member and as a delegate from a member organization.
- (e) Members are entitled to vote at any convention provided they are paid-up members in good standing for the fiscal year January 1 to December 31 in which the convention is held, and have been members of the Federation for not less than thirty days prior to the convention. Prior to each convention, the President shall appoint a committee to resolve any disputes pertaining to voting rights. The decisions of the committee may be appealed to the convention.
- (f) Regardless of type of membership, each individual member shall be entitled to one vote. Regardless of type of membership, each organization member shall be entitled to two delegates with one vote each at all conventions of the membership, provided that organization's members shall be entitled to two additional voting delegates for the second 250 members upon payment of dues as provided for by the policy Board. Each organization member shall be entitled to one additional delegate for each additional 250 members up to 1,000 members and one additional voting delegate for every additional 500 members upon payment of dues as provided for by the Policy Board, and further provided that no organization member shall be entitled to more than 10 delegates.

#### Section 3.5 Quorum

A quorum of the general convention or a special convention shall consist of one-quarter of the members or delegates duly accredited to and registered at the convention.

#### Section 3.6 Presiding

At every convention the President, or in the President's absence the Vice President, or in the Vice President's absence the Policy Board member designated by the President, or in the absence of such designation, a Chair chosen by a majority of those present and entitled to vote, shall act as Chair. The Secretary of the corporation, or in the Secretary's absence an assistant Secretary, shall act as Secretary of all conventions. In the absence of the Secretary and Assistant Secretary, the Chair may appoint another person to act as Secretary of the convention.

#### Section 3.7 Special Conventions

- (a) Special conventions may be called by the Policy Board.

- (b) Written notice of the time and place of holding a special convention shall be mailed to each member at his/her address as it appears on the membership records of the Federation at least thirty days preceding the date of the convention. Such notice shall also state the general nature of the business to be transacted and no other business shall be transacted at any special convention.

#### ARTICLE 4 Policy Board

##### Section 4.1 Powers

The Policy Board of the Federation shall be the governing body of the Federation between conventions, and as such shall act in the name of the Federation. The Policy Board may exercise all powers permitted by law, not inconsistent with the Articles of Incorporation or Bylaws of the Federation, and shall have power to conduct, manage and control the affairs of the Federation between conventions, adopt and update policy statements and make rules and regulations therefore it deems best and not inconsistent with law, the Articles of Incorporation, Bylaws and the decisions of the convention.

##### Section 4.2 Members

In addition to the officers of the Federation, the Policy Board shall consist of twenty four members, twelve members to be elected to serve four year terms at each biennial convention commencing with the convention of 1988; except that, at the convention of 1986 the fifteen Policy Board members who (under the terms of this constitution prior to this amendment) were to be elected to serve until 1988 shall instead serve until the 1990 convention and those Policy Board members who were elected in 1985 to serve until 1987 shall instead serve until the convention of 1988. No organizational member shall have more than three members on the Policy Board at any one time.

##### Section 4.3 Vacancies

- (a) Vacancies on the Policy Board may be filled by appointment of the remaining Board members, and each Board member so elected shall hold office until the Board member's successor is elected at a biennial convention. A vacancy or vacancies of the Policy Board shall be deemed to exist in the case of the death, resignation, removal, or recall of any Board member, or if the authorized number be increased, or if the members fail at any convention at which any Board member or members are elected to elect the full authorized number of Board members to be voted for at that convention, or if any Board member is absent from three (3) consecutive meetings of the Policy Board and the Board fails to adopt at any of those three meetings or at the next regular or special meeting of the Board a resolution excusing such absence.
- (b) Any Board member may resign at any time by giving written notice to the President or Secretary of the Federation or to the Board. Such resignations shall take effect at the time specified therein, and unless specified therein, the acceptance of such resignation shall not be necessary to make it effective. If no time is specified therein, the resignation shall be effective upon receipt.
- (c) Members may elect the additional Policy Board members created by an amendment to the Bylaws authorizing an increase in the number of Board members at the same convention at which such amendment to the Bylaws is approved.
- (d) No reduction of the authorized number of Board members shall have the effect of removing any Board member prior to the expiration of his term of office.

#### Section 4.4 Compensation

Board members as such shall not receive any stated salaries for their services, but by resolution of the Policy Board, a fixed sum and expenses of attendance, if any may be allowed for attendance at such regular or special meeting of the Board; but nothing herein contained shall be construed to preclude any Board member from serving the corporation in any other capacity and receiving compensation therefore.

#### Section 4.5 Meetings

- (a) Regular meetings of the Policy Board may be held at any time and place which has been designated from time to time by resolution of the Board or by written consent of two-thirds of the members of the Board.
- (b) Immediately following each biennial convention, the Board shall hold a regular meeting in the same city for the purpose of organization and transaction of other business. Notice of such meeting is hereby dispensed with. Such organization meeting may be held at any other time or place which shall be specified in a notice as hereafter provided for special meetings or in a consent and waiver of notice thereof signed by two-thirds of all Board members.
- (c) Special meetings of the Board for any purpose of purposes may be called at any time by the President, or if the President is absent or unable or refuses to act, by any ten members of the Board. Special meetings may be held at any place in the state of California, but in the absence of a consent signed by all Board members, shall be held only in Los Angeles, San Francisco, or Sacramento.
- (d) At least seven days before the day on which a special meeting of the Board is to be held, written notice of the time and place of the special meeting shall be delivered personally to each member or sent to each Board member by certified communication, charges prepaid, addressed to the Board members at the address as shown in the records of the Federation. Such communication shall be due legal and personal notice to such Board member.
- (e) In addition to the organization meeting, the Policy Board shall hold at least one meeting between biennial conventions.

#### Section 4.6 Quorum

One-fourth of the number of Policy Board members, less vacancies shall constitute a quorum of the Board necessary for the transaction of business, except to adjourn as hereinafter provided, and except that when a quorum consists of fewer than fifty percent (50%) of the members of the Board, such quorum must include either the President or Vice President. Every act or decision done or made by the majority of the Board members present at the meeting duly held at which a quorum is present shall be regarded as the act of the Board, unless a greater number be required by law, by the Article of Incorporation, or by these Bylaws. A Policy Board member, who cannot attend a Policy Board meeting, can name a proxy, verbally or in writing, either by designating the proxy by name or by authorizing the Presiding Officer to assign the proxy at the time of the Board meeting. The proxy must be a Board member. No Board member may have more than two votes, one vote as a Board member and one vote as a proxy for another Board member.

#### Section 4.7 Adjournment

A quorum of the Board members may adjourn any Board meeting to meet again at a stated day and hour; provided, however, that in the absence of a quorum, a majority of the Board members present at any Board meeting, either regular or special may adjourn from time to time until the time fixed for the next regular meeting of the Board.



**Section 4.8                    Conduct of Meetings**

At every meeting of the Board, the President, or in the absence of the President, a Vice President, or in the absence of a Vice President, a Policy Board member designated by the President, or in the absence of such designation, a Chair chosen by a majority of the Board members present, shall preside. The Secretary of the Federation shall act as Secretary of the Board. In case the Secretary shall be absent from any meeting of the Board, an Assistant Secretary shall perform the duties of the Secretary at such meeting, and in the absence from any such meetings of both the Secretary and the Assistant Secretary, the Chair may appoint any person to act as Secretary of the meeting.

**Section 4.9                    Indemnification of Policy Board Members and Officers**

Each Board member and officer, whether or not then in office, shall be indemnified by the corporation against all liabilities, costs and expenses reasonably incurred by or imposed upon such Board member or officer in connection with or arising out of any action, original proceeding, suit or proceeding in which the Board member or officer may be involved or to which the Board member or officer may be made a party by reason of being or having been a board member or officer of the corporation, such expenses to include the cost of reasonable settlements (other than amounts paid to the corporation itself) made with a view to curtailment of costs of litigation. The corporation shall not, however, indemnify such Board members or officers with respect to matters as to which the Board member or officer shall be finally adjudged by a two-thirds vote of the Policy Board, which may be appealed at the next convention, in any such action, suit or proceeding to have been derelict in the performance of the duty of such Board member or officer, nor in respect of any matter on which any settlement or compromise is effected, if the total expense, including the cost of such settlement, shall substantially exceed the expense which might reasonably be incurred by such Board member or office in conducting such litigation to a final conclusion; and in no event shall anything herein contained be so construed as to authorize the corporation to indemnify any such Board member or officer against any liability or expense by reason of any act known by such Board member or officer at the time of doing it to be unlawful, nor against any liability or expense by reason of willful malfeasance, bad faith, gross negligence or reckless disregard of the duties involved in the conduct of a Board member or officer.

The corporation may pay, in whole or part, any premium or other charge for any type of indemnity insurance to insure the indemnity of Board members against liability or loss arising out of actual or asserted misfeasance or nonfeasance in the performance of duties of the Board member or of the corporation.

**Section 4.10                  Employees**

The Policy Board may fix the compensation of employees, require from them security for faithful service, prescribe such powers and duties for them as may not be inconsistent with law, with the Articles of Incorporation or the Bylaws and remove any employee for cause.

**Section 4.11                  Committees**

- (a) The President shall, with consent of the Policy Board, appoint an Executive Committee consisting of not less than five Board members in addition to the officers who will automatically serve, and other committee, and delegate to them such duties and powers as deemed proper, except the power to amend, repeal or add bylaws. The Executive Committee shall serve as the budget committee and audit committee.
- (b) The President shall, with consent of the Policy Board, appoint a Nominating Committee which shall make nominations for all positions on the Board and in the offices to be voted on at the biennial convention. The nominations of the Committee shall be mailed to members together with or as part of the notice of the convention. Additional nominations may be made from the floor of the convention.

**ARTICLE 5**  
**Officers and Elections**

**Section 5.1**                      **Officers**

The officers of the federation shall be a President, three Vice Presidents, and either a Secretary-Treasurer or a Secretary and a Treasurer. In advance of each convention of the Federation, the Policy Board shall decide whether the Federation shall have a Secretary-Treasurer or a Secretary and a Treasurer and shall report such decision to each respective convention.

**Section 5.2**                      **Election**

The President, Vice Presidents, Secretary and Treasurer of the Federation shall be elected biennially by the membership in convention. Each officer shall hold office until said officer shall resign or shall be removed or otherwise disqualified to serve, or said officer's successor shall be elected and qualified.

**Section 5.3**                      **Removal of Officers**

The Policy Board may at any regular meeting by a two-thirds vote of the entire Board, remove any officers of the Federation for just cause, and appoint a successor pending the next biennial convention.

**Section 5.4**                      **President**

The President shall be the principal officer of the Federation. The President shall preside at all conventions, all meetings of the Policy Board and the Executive Committee. The President may appoint committees of the Policy Board, subject to the provisions of the Bylaws, and of the membership and the convention. The President shall use such general powers as are usually vested in the office of President of a corporation subject to the provisions of the Bylaws, and shall have such other powers and duties as may be prescribed by the Policy Board. In the decision of the membership, the Policy Board and the Executive Committee, the President shall have a casting vote in the event of a tie.

**Section 5.5**                      **Vice Presidents**

The Vice President designated by the President (or if there is not such designation, the Vice President designated by the Policy Board), at the request of the President or in the President's absence, shall assume the duties and responsibilities of the President. The Vice Presidents shall also have such duties and responsibilities as the Policy Board may assign to them. The Policy Board, with the advice of the President, shall assign to each Vice President specific areas of responsibility within the operations of the Federation.

**Section 5.5.1**

If the convention elects a Secretary-Treasurer, the Secretary-Treasurer shall have combined, in place of the Secretary and the Treasurer, all the powers and duties hereinafter prescribed for the offices of the Secretary and Treasurer in Section 5.6 Secretary and Section 5.7 Treasurer.

**Section 5.6**                      **Secretary**

The convention may elect a Secretary and a Treasurer in place of a Secretary-Treasurer.

The Secretary shall be the recording officer of the Federation and shall have such powers and duties as prescribed by the convention, the Policy Board and, between meetings of the Board, by the President. In addition, the Secretary shall:

- (a) Certify and keep at the principal office of the Federation the original or a copy of its Bylaws as amended or otherwise altered to date.
- (b) Keep at the Principal office of the Federation or at such other place as the Board may direct, a book of minutes of all meetings of the Policy Board and of Conventions, with the time and place of holding, whether regular or special and if special, how authorized, the notice thereof, the names of those present at Board meetings, and the proceedings thereof.
- (c) See that all notices are duly given in accordance with the provisions of these bylaws or as required by law.
- (d) Be custodian of the records and seal of the Federation.
- (e) Keep at the principal office of the Federation accurate membership records, showing the names of members, their addresses, the amount of dues paid, and in case of organization members, the number of delegates to which each organization member is entitled.
- (f) See that the books, reports, statements and all other documents and records required by law are properly kept and filed.
- (g) In general, perform all duties incidental to the office of Secretary.

**Section 5.7                      Treasurer**

The Convention may elect a Secretary and a Treasurer in place of a Secretary-Treasurer.

If required by the Policy Board, the Treasurer shall give a bond for faithful discharge of the Treasurer's duties in such sum and with such surety or sureties as the Policy Board shall determine, the cost of such bond to be borne by the federation. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipts for moneys due and payable to the corporation from any source whatsoever and deposit all such moneys in the name of the corporation in such banks, trust companies, or other depositories as shall be selected in accordance with the provisions of Article 9 of these Bylaws; and in general, perform all the duties incidental to the office of Treasurer and such other duties as from time to time may be assigned to the Treasurer by the President or the Policy Board.

**Section 5.8                      Vacancies**

A vacancy in any office because of death, resignation, removal, recall or any other cause may be filled by the Policy Board and every officer so elected to fill a vacancy shall hold said office until a successor is elected at the general convention.

**ARTICLE 6  
Standing Committees**

**Section 6.1                      Committee on Public Advocacy**

The Federation shall actively encourage and support the representation of consumers before legislative and administrative agencies.

The President shall appoint, with consent of the Board, a Committee on Public Advocacy which shall receive direction from the Policy Board.

The Committee may, on particular consumer issues, work cooperatively with member and non-member organizations and individuals. In pursuing its advocacy function, the Federation shall seek to build effective consumer coalitions around specific action programs.

**Section 6.2                      Committee on Regional and Local Consumer Organizations**

The Federation shall actively encourage and support the formation of regional and local consumer organizations which shall be eligible for membership in the Federation in accordance with policies set forth by the Policy Board. The Policy Board shall establish a committee on Regional and Local Consumer Organizations whose members shall be selected from among the members appointed to the aforesaid committee, including the Chair, shall be from local consumer organizations, previously affiliated with the Federation for not less than thirty (30) days. The Committee, under the Policy Board, shall have the following responsibilities.

- (1) Actively encourage and support the formation of local and regional consumer organizations in every way the committee, with Executive Committee approval, deems feasible, and to respond to every reasonable local consumer group request.
- (2) Establish liaison with newly formed local and regional consumer groups and to encourage their affiliation with the Federation.
- (3) Recommend to the Executive Committee policies and procedures regarding the affiliations of such groups.

**Section 6.3                      Committee on Research and Education**

The Federation shall actively promote education and research in the interests of consumers. For this purpose, the Policy Board shall establish a committee on Research and Education which shall have the authority, with the approval of the Policy Board, to develop and pursue educational and research goals in cooperation with other organizations whose interest are compatible with the purposes and objectives of the Federation.

**Section 6.4                      Committee on Public Agencies**

The Federation shall actively evaluate and assist public agencies in the performance of their consumer protection and education responsibilities. For this purpose, the Policy Board shall establish a Committee on Public Agencies to assist, encourage, and evaluate the performance by public agencies of their consumer protection and education responsibilities.

**ARTICLE 7  
Recall**

**Section 7.1                      Method**

Any officer or member of the Policy Board may be recalled by the following method: upon petition of at least twenty percent of the voting members, the Secretary or other officer specified in the petition shall conduct a recall election by mail ballot. The ballot sent to each member shall contain two statements of not more than 400 words each, one by a proponent of the recall and one by an opponent of the recall. The latter statement shall be one approved by the person whose recall is sought. A majority of notes received up to the time limit set shall determine the election. Each organization member shall be entitled to cast a number of votes equal to the number of delegates to which it would be entitled at a convention. Regulations governing the conduct of mail ballot under this article shall be made by the Policy Board.

Section 7.2                    Limitations

- (a)    No more than two-thirds of the Policy Board members may be sought to be removed in any one recall election.
- (b)    A recall petition shall not be acted upon if it is filed within ninety days before or after the holding of an annual convention.
- (c)    As to any officer or Policy Board member only one recall petition shall be acted on in any twelve-month period.

ARTICLE 8  
Adoption and Amendment of Bylaws

Section 8.1                    Amendment

These bylaws and any provision thereof may be amended or repealed by a vote of the majority of those present and entitled to vote at any general or special convention.

Section 8.2

These By-laws, and any provisions thereof, may be amended by the Policy Board, if such amendments are now or hereafter required to comply with changes in California non-profit corporation laws as well as to comply with California and federal laws pertaining to tax exemption status of non-profit benefit corporations.

ARTICLE 9  
Contracts, Checks, Deposits and Funds

Section 9.1                    Contracts

The Policy Board may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

Section 9.2                    Checks, Drafts, Etc.

All check, drafts, or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation, shall be signed by such officer or offices, agent or agents of the corporation and in such manner as shall from time to time be determined by resolution of the Policy Board. In the absence of such determination by the Policy Board, such instruments shall be signed by the Treasurer, and countersigned by the President or Vice President of the corporation.

Section 9.3                    Deposits

All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the Policy Board may select.

Section 9.4                    Gifts

The Policy Board may accept on behalf of the corporation any contributions, gift, bequest or devise for the general purposes or for any special purpose of the corporation.

**ARTICLE 10**  
**Books and Records**

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its Policy Board meetings, and shall keep at the registered or principal office a record giving the names and addresses of the members entitled to vote. All books and records of the corporation may be inspected by any member, or a member's agent or attorney for any proper purpose at any reasonable time.

**ARTICLE 11**  
**Fiscal Year**

The fiscal year of the corporation shall begin on the first day of January and end of the last day of December in each year.

**Article 12**  
**Seal**

The Policy Board may provide a corporate seal, which shall be circular in form, and shall have inscribed thereon the name of the corporation, the date of its incorporation and the word "California."

**Exhibit A - Part 2**

State of California  
Secretary of State



I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That the attached transcript of 15 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

MAY 26 2006



BRUCE McPHERSON  
Secretary of State



FILED

In the Office of the Secretary of State of the State of California

AUG 16 1960

FRANK M. JOHNSON, Secretary of State

By Walter H. Gaylor Deputy

ARTICLES OF INCORPORATION

OF

ASSOCIATION OF CALIFORNIA CONSUMERS

I

The name of this corporation is:  
ASSOCIATION OF CALIFORNIA CONSUMERS

II

The purposes for which this corporation is formed are:

(a) The specific and primary purposes for which this corporation is formed are to enable consumers to organize and represent themselves collectively, to provide education and information services to consumers, to render them assistance and consultation, and to advocate their interests.

(b) To exercise any, all and every power which a non-profit corporation organized under the provisions of the General Nonprofit Corporation Law of the State of California may now or hereafter exercise.

III

This corporation is organized under the General Nonprofit Corporation Law of the State of California.

IV

The county in this State where the principal office for the transaction of the business of the corporation is located is the County of Los Angeles.

V

The names and addresses of the persons who are to act in the capacity of directors as members of the

Restriction of right to amend articles

Yes

Executive Board of the corporation until the selection of  
their successors are:

<u>Name</u>	<u>Address</u>
PETER H. ODEGARD	2630 Cedar Street Berkeley, California
MARY FRYOR	108 West 6th Street Los Angeles 14, California
CLARENCE MURPHY	5464 Foothill Blvd. Oakland 1, California
LEONARD KRUPNICK	822 Anthony Street Berkeley 10, California
EDWARD L. RADA	749 Lakewood Place Pasadena, California
JACKIE WALSH	870 Market Street San Francisco, California
SUSAN ADAMS	108 West 6th Street Los Angeles 14, California
ANTHONY ANSELMO	870 Market Street San Francisco, California
WILLIAM BROWN	1414 University Avenue Berkeley, California
GEORGE BRUNN	41 Sutter Street San Francisco 4, California
ROY CAVE	467 Kentucky Avenue Berkeley, California
MORT COLODNY	1414 University Avenue Berkeley, California
EVA CONTENT	1414 University Avenue Berkeley, California
TED ELLSWORTH	9043 Burroughs Road Los Angeles 46, California
SAM EUBANKS	821 Market Street, Rm. 446 San Francisco, California
VIRGINIA FRITSCH	2021 S. Barrington Ave. Los Angeles 25, Calif.
WEBB GREEN	108 West 6th Street Los Angeles 14, California
ALVIN GRUHN	995 Market Street San Francisco, California

<u>Name</u>	<u>Address</u>
RUTH GUPTA	2237 Chestnut Street San Francisco 23, California
CHARLES HARDING	108 West 6th Street Los Angeles 14, California
JOHN HUTCHINSON	646 Humboldt Street Richmond, California
MARION ISRAEL	2021 S. Barrington Avenue Los Angeles 25, California
GEORGE KRELL	942 Market Street, Rm. 603 San Francisco, California
SYLVIA LANE	University of Southern California, University Park Los Angeles 7, California
WILMA MITTELBERG	3221 Mountain View Avenue Sacramento 21, California
WILLIAM T. O'REAR	2135 Fresno Street, Rm. 247 Fresno 21, California
JEROLD D. REES	525 E. Street San Diego, California
CARLENE ROSE	1353 Wishon, Fresno 4, California
ROBERT SMITH	164 So. California Street Palo Alto, California
CARTON TAYLOR	5365 No. Mariposa Street Fresno 26, California
DONALD VIAL	995 Market Street San Francisco, California

## VI

An existing unincorporated association is being incorporated. The name of the existing unincorporated association is CALIFORNIA CONSUMERS ASSOCIATION.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the General Nonprofit Corporation Law of the State of California, the undersigned, constituting

the President and Secretary of CALIFORNIA CONSUMERS ASSOCIATION, an unincorporated association, have executed these Articles of Incorporation this 22nd day of June, 1960.

Peter H. Odegard  
Peter H. Odegard

Mary Pryor  
Mary Pryor

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO ) ss.

On this 22nd day of June, 1960, before me, a Notary Public, in and for the City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared PETER H. ODEGARD, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS MY HAND and official seal,

Maria S. Rice MARIA S. RICE  
NOTARY PUBLIC

In and for the City and County of San Francisco, State of California.  
My commission expires: Jan 19, 1962

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO ) ss.

On this 24 day of <sup>July</sup> ~~June~~, 1960, before me, a Notary Public in and for the County of Los Angeles, State of California, residing therein, duly commissioned and sworn, personally appeared MARY PRYOR, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS MY HAND and official seal.

Pauline Benson  
NOTARY PUBLIC

In and for the County of Los Angeles, State of California.

My commission expires: \_\_\_\_\_  
PAULINE BENSON  
MY COMMISSION EXPIRES JULY 7, 1964

STATE OF CALIFORNIA )  
CITY AND COUNTY OF SAN FRANCISCO ) ss.

PETER H. ODEGARD, having first been duly sworn, deposes and says:

That he is the president of CALIFORNIA CONSUMERS ASSOCIATION, an unincorporated association, that said association has duly authorized its incorporation, and has authorized affiant and MARY PRIOR, the secretary of said association, to execute the articles of incorporation.

Peter H. Odegard  
PETER H. ODEGARD

Subscribed to and sworn before me this 22nd day of June, 1960.

Marie G. Rice MARIE G. RICE  
NOTARY PUBLIC

In and for the City and County of San Francisco, State of California. My commission expires: Nov 19, 1962

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.

MARY PRIOR, having first been duly sworn, deposes and says:

That she is the secretary of CALIFORNIA CONSUMERS ASSOCIATION, an unincorporated association; that said association has duly authorized its incorporation, and has authorized affiant and PETER H. ODEGARD, the president of said association, to execute the articles of incorporation.

Mary Prior  
MARY PRIOR

Subscribed to and sworn before me this 24 day of ~~June~~ <sup>July</sup>, 1960.

Pauline Benson  
NOTARY PUBLIC

In and for the County of Los Angeles, State of California. My commission expires: \_\_\_\_\_

PAULINE BENSON  
MY COMMISSION EXPIRES JULY 7, 1964

**Exhibit A - Part 3**

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4123349  
FILED

In the office of the Secretary of State  
of the State of California

JUN 30 1972

EDWARD G. BROWN Jr., Secretary of State

*[Signature]*  
Deputy

CERTIFICATE OF AMENDMENT

OF

ARTICLES OF INCORPORATION

OF

ASSOCIATION OF CALIFORNIA CONSUMERS

88

FRANK C. DAMRELM, JR. and REGINA A. SNEED certify:

1. They are the president and the secretary, respectively, of the Association of California Consumers, a California corporation.

2. At a meeting of the board of directors of the corporation, held at Los Angeles, California, on March 17, 1972, the following resolution was adopted:

"RESOLVED: Article I of the Articles of Incorporation of this corporation be amended to read as follows:

'The name of this corporation is:

CONSUMER FEDERATION OF CALIFORNIA'

"RESOLVED, FURTHER, that Article II of the Articles of Incorporation of this corporation be amended to read as follows:

The purposes for which this corporation is formed are:

(a) The specific and primary purpose for which this corporation is formed is to promote the interests of urban and rural consumers, using peaceful, lawful methods to: (1) agree upon specific consumer legislation and issues, and to propose and marshall support for such legislation and issues, at all levels of government; (2) represent consumers before public and private agencies at all levels; (3) promote the organization of local consumer groups and encourage their affiliation with the Federation; and (4) cooperate with the Consumer Federation of America and similar state and national federations.

(b) To solicit, collect, receive, acquire, hold and invest money and property, both real and personal, received by gift, contribution, bequest, devise or otherwise; to sell and convert property, both real and personal,



into cash; and to use the funds of this corporation and the proceeds, income, rents, issues and profits derived from any property of this corporation for any of the purposes for which this corporation is formed;

(c) To act as trustee under any trust created to furnish funds for the principal objectives of the corporation and receive, hold, administer and expend funds and property subject to such trust;

(d) To purchase or otherwise acquire, own, hold, sell, assign, transfer or otherwise dispose of, mortgage, pledge or otherwise hypothecate or encumber, or to deal in and with shares, bonds, notes, debentures or other securities or evidences of indebtedness of any person, firm, corporation or association and, while the owner or holder thereof, to exercise all rights, powers and privileges of ownership;

(e) To purchase or otherwise acquire, own, hold, use, lease (either as lessor or lessee), sell, exchange, assign, convey or otherwise dispose of and mortgage or otherwise hypothecate or encumber real and personal property;

(f) To borrow money, incur indebtedness, and to secure the repayment of the same by mortgage, pledge, deed of trust, or other hypothecation of property, both real and personal;

(g) To enter into, make, perform and carry out contracts of every kind for any lawful purpose without limit as to amount, with any person, firm, association or corporation, municipality, county, parish, state, territory, government (foreign or domestic) or other municipal or governmental subdivisions; and

(h) To do all things necessary, expedient or appropriate to the accomplishment of any of the objects and purposes for which this

corporation is formed, and generally to exercise all such powers as are now or may hereafter be conferred by law upon non-profit corporations under the laws of the State of California.

The foregoing statement of purposes shall be construed as a statement of both purposes and powers, and the purposes and powers stated in such clauses, except where otherwise expressed, shall be in nowise limited or restricted by reference to or inference from the terms or provisions of any other clauses, but shall be regarded as independent purposes and powers.

Notwithstanding any of the above statements of purposes and powers, this corporation shall not engage in activities which in themselves are not in furtherance of the purposes set forth in subparagraph (a) of this Article II."

"RESOLVED, FURTHER, Article V of the Articles of Incorporation of this corporation be amended by adding the following thereto:

'The number of directors may be fixed or changed from time to time by amendment of the Articles of Incorporation

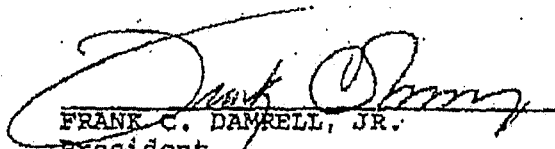
of this corporation, or by amendment of the By-Laws of this corporation duly adopted by the vote of a majority of those present and entitled to vote at a meeting of members duly called pursuant to the By-Laws."

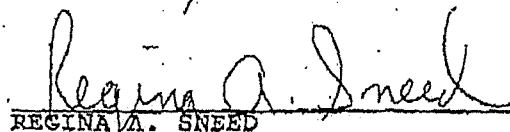
"RESOLVED, FURTHER, the Articles of Incorporation of this corporation be amended by adding Article VII to read as follows:

'The authorized number and qualifications of members of this corporation, the different classes of membership, if any, the property, voting and other rights and privileges of members and their liability for dues and assessments and the method of collection of dues and assessments shall be as set forth in the By-Laws. No member, officer or director shall be personally liable for any of the debts, liabilities or obligations of the corporation, nor shall personal liability in any event attached to any member of this corporation in connection with any of its undertakings; all of its

liabilities shall be limited to its common funds and assets."

3. The by-laws of the corporation provide that the Articles of Incorporation may be amended by a policymaking committee created by resolution of two-thirds of a quorum of the members of the corporation to represent and act for the corporation members in the matter of amendment of the Articles of Incorporation. Such a committee was formed by the members by a resolution adopted on March 18, 1972, at a meeting held in Santa Monica, California. Such committee was composed of three members. All three members of such committee voted affirmatively to adopt the amendment, in the particulars set forth in the directors' resolution in paragraph 2 above, on March 18, 1972, at a meeting held in Santa Monica, California.

  
FRANK C. DAMPELL, JR.  
President

  
REGINA A. SNEED  
Secretary

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF SAN FRANCISCO )

FRANK C. DAMRELL, JR. and REGINA A. SNEED, being first duly sworn, each for himself alone, deposes and says:

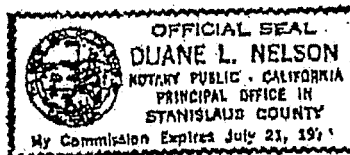
That Frank C. Damrell, Jr., the President of Association of California Consumers, the California corporation mentioned in the foregoing Certificate of Amendment, and Regina A. Sneed is the Secretary of said corporation; that each has read said Certificate and that the statements therein made are true of his own knowledge, and that the signatures purported to be the signatures of said President and Secretary thereto are the genuine signatures of said President and Secretary, respectively.

*Frank C. Damrell, Jr.*  
FRANK C. DAMRELL, JR.

*Regina A. Sneed*  
REGINA A. SNEED

Subscribed and sworn to before me this 20 day of June, 1972.

*Duane L. Nelson*  
Notary Public in and for the State of California



A0543026



0401096

Howard Owens  
Executive Director

1226 N Street, Suite 29  
Sacramento, CA 95814  
(916) 554-7621  
FAX (916) 442-1877

Abin Gubin, President  
Matthew McKinnon, Vice President  
Regene Mitchell, Vice President  
Patricia Garcia, Vice President  
James Gordon, Jr., Treasurer  
Dora "Mitz" Rodriguez, Secretary

### Consumer Federation of California

**FILED**  
in the office of the Secretary of State  
of the State of California

APR 14 2000

*Bill Jones*  
BILL JONES, Secretary of State

### Amendment and Restatement of Articles of Incorporation

The undersigned certify that:

They are the **Vice President** and the **Treasurer**, respectively, of the Consumer Federation of California, a California public benefit corporation and as officers of the corporation do hereby agree to the following restatement and amendment to the Articles of Incorporation.

The entire Articles of Incorporation are amended and restated to read as follows:

- I. The name of this corporation is Consumer Federation of California.
- II. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes.
- III. The specific purpose of this corporation is to promote the interests of consumers, using peaceful lawful methods to: (1) agree upon specific consumer legislation, and issues, and to propose and marshal support for such legislation, and issues, at all levels of local, state and federal government; (2) represent, advocate or promote consumers before any or all public agencies or decision making bodies at all levels of local, state or federal government and before any or all private organizations, agencies, commissions or decision making bodies; (3) To represent consumers and the interests of residential customers for the purpose of participating in administrative, commission proceedings and litigation within the maximum legal limits allowed of a 501(c)(4) tax exempt corporation under Federal and California law; (4) To promote the organization of local consumer groups and encourage their affiliation with the Consumer Federation of California; and (5) To cooperate with the Consumer Federation of America and similar state and national federations.



- IV. This corporation elects to be governed by all of the provisions of the Nonprofit Corporations Law of 1980 not otherwise applicable to it under part 5.
- V. This corporation is organized and operated exclusively for the promotion of social welfare purposes within the meaning of IRC Section 501(c) (4).
- VI. The property of this corporation is irrevocably dedicated to social welfare purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person.
- VII. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a non profit fund, foundation, or corporation which is organized and operated exclusively for social welfare purposes and which has established its tax exempt status under IRC Section 501(c) (4).

The foregoing amendment and restatement of Articles of Incorporation has been duly approved by a majority of the members of the corporation .

The foregoing amendment and restatement of Articles of Incorporation has been duly approved by a majority of the board of directors of this corporation pursuant to the powers vested in the board of directors in accordance to the Bylaws of this corporation.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth under this certificate are true and correct of our own knowledge.

5/14/2000  
Date

Mathew Mckinnon  
Mathew Mckinnon, Vice President

Jim Gordon  
Jim Gordon, Treasurer





**Exhibit B**

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Exhibit B: Approximate number of current of members (Cal. Code Regs., Tit. 10 § 2662.2(a)(2)(B)).

The approximate number of current of members (Cal. Code Reg. § 2662.2(a)(2)(B)) in 2012-2013 was 125 dues paying members comprised of approximately 81 individuals and 44 organizational members.

**Exhibit C**

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A list of CFC's current Board of Directors, including the name and business address of each director and/or the name and business address of the principals of the group if it is not a corporation (Cal. Code Reg. § 2662.2(a)(2)(C)).

See the next page.

<u>CFC Officers/Committee</u>	<u>First Name</u>	<u>Last Name</u>	<u>Organization</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Executive Committee	Bill	Allayaud	Environmental Working Group	1107 9th Street, Suite 625	Sacramento	CA	95814
Executive Committee	Barry	Broad	Broad & Gusman	1127 11th Street, Suite 512	Sacramento	CA	95814
Executive Committee	Richard	Holober	Consumer Federation of California	1107 9th Street, Suite 625	Sacramento	CA	95814
Executive Committee	Joseph	Ridout	Consumer Action	221 Main Street, Suite 480	San Francisco	CA	94105
President	James	Gordon	CWA	307 Crow Canyon Drive	Folsom	CA	95630
Secretary	Lucinda	Sikes		1911 Hopkins Street	Berkeley	CA	94707
Treasurer	Nancy	Peverini	Consumer Attorneys of California	770 L Street, Suite 1200	Sacramento	CA	95814
Vice President	Patty	Garcia		841 Via Casitas	Greenbrae	CA	94904
Vice President	Malinda	Markowitz	CA Nurses Association	5899 Paddon Circle	San Jose	CA	95123
Vice President	Rosemary	Shahan	CARS	1303 J Street, Suite 270	Sacramento	CA	95814
	Jim	Beno	Machinists District Lodge 190	7717 Oakport Street	Oakland	CA	94621
	Doug	Bloch	Teamsters Joint Council #7	250 Executive Park Blvd, Ste. 3100	San Francisco	CA	94134
	Amparo	Cid	CA Rural Legal Assistance Foundation	814 N. Van Ness	Fresno	CA	93728
	Allen	Freemon	CA Teachers Association	1118 10th Street	Sacramento	CA	95814
	Lenny	Goldberg	California Tax Reform Association	717 K Street, Suite 510	Sacramento	CA	95814
	Terry	Gonzales	UFCW Local 5	240 S. Market Street	San Jose	CA	95113
	Michael	Hardeman		329 Wawona Street	San Francisco	CA	94127
	Dolores	Huerta	Dolores Huerta Foundation	P.O. Box 2087	Bakersfield	CA	93303
	Greg	Larkins	Sacramento CLC	2840 El Centro Road, Suite 111	Sacramento	CA	95833
	Regene	Mitchell		PO Box 6273	Goodyear	AZ	85338
	Thomas	Papageorge		6987 Brass Place	Carlsbad	CA	92009
	Josh	Pechthalt	California Federation of Teachers	2550 N. Hollywood Way, Suite 400	Burbank	CA	91505
	Emily	Rusch	CALPIRG	483 9th St., Suite 100	Oakland	CA	94607
	Santosh	Seeram-Santana	Asian Americans for Civil Rights & Equality	1225 8th Street, Suite 590	Sacramento	CA	95814
	Clare	Smith	Older Women's League CA	P.O. Box 161646	Sacramento	CA	95816
	Jeremy	Smith	State Building Trades Council of CA	1231 I Street, #302	Sacramento	CA	95814
	Mark	Toney	The Utility Reform Network	115 Sansome Street, Ste. 115	San Francisco	CA	94104
	Laurie	True	CA WIC Association	1490 Drew Avenue, Suite 175	Davis	CA	95618

Consumer Federation of California Policy Board List  
Updated January 2014

**Exhibit D**

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Exhibit D: Newsletter circulation, if any, along with a representative sample of newsletters and/or any other publications issued by the intervenor in California during the previous twelve (12) months (Cal. Code Regs., Tit. 10 § 2662.2(a)(2)(D).

The newsletter has a circulation of about 11,000. Examples of the publication can be found on the next and subsequent pages.

**Exhibit D - Part 1**

## Supreme Court Hacks Credit Card Privacy



### 4-3 MAJORITY KILLS CONSUMER PRIVACY FOR ONLINE PURCHASES

The Consumer Federation of California is sponsoring legislation to restore privacy protection for online credit card purchases, which was recently eliminated by a bad California Supreme Court decision.

In February, a 4-3 Supreme Court majority ruled merchants can require consumers to furnish personal information including address, phone number, and other data in order to make credit card purchases. This means that the Song Beverly Credit Card Act, which prohibits retailers from collecting and recording a customer's personal identifying information as a condi-

tion of accepting payment by credit card, does not apply to transactions relating to the multibillion-dollar online commerce world, only to brick-and-mortar establishments.

SB 383 (Jackson) would prohibit online merchants from requesting or requiring a phone number, address or other information from customer using a credit card to purchase a downloadable product - with tightly limited exceptions for the purpose of preventing fraud or identity theft.

### A DIVIDED CALIFORNIA SUPREME COURT

The case is Apple Inc. v. Superior Court of Los Angeles County, arising from a law-

suit filed by David Krescent, who alleged that Apple had violated his privacy when it required his telephone number and address to complete credit card purchases of downloadable audio and video files. Lower courts ruled against Apple.

The 4-3 Court majority rewrote history, and concluded that because online commerce did not exist when the Song Beverly Act was adopted, the law cannot apply to online transactions. Without weighing evidence, the Court assumed that online purchases open new opportunities for fraud or identity theft. But instead of carving out a narrow privacy exception for fraud prevention, the Court majority gave online businesses a license to collect all sorts of personal data, with no limitation on how the data may be used.



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...retailers don't have the right to gather personal information from credit card users for marketing purposes. This has been California law for more than two decades...

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▶ CONTINUED FROM PREVIOUS PAGE

This decision retreated from the ardent pro-consumer construction the Court had given the Song Beverly Act in 2011 in *Piñeda v. Williams-Sonoma Stores*. In that case a unanimous Supreme Court ruled the retail chain violated the Song Beverly Act by collecting ZIP codes from customers. The Consumer Federation of California filed an amicus brief in that case – and the California Supreme Court sided with consumers.

This new ruling flies in the face of the clear language of the Act, which covers all credit card transactions, not only in-person transactions.

The three justices that dissented warned that the decision erodes privacy protections for consumers online. Justice Baxter pointed out in his dissenting opinion that “there is nothing in the re-

cord” of this case to discern that Apple needed the cardholder’s address and phone number to prevent fraud or identity theft. Justice Joyce Kennard wrote, “The majority’s decision is a major win for (merchants), but a major loss for consumers, who in their online activities already face an ever-increasing encroachment upon their privacy.”

SB 383 (Jackson) would make it clear that the credit card privacy law applies to all transactions, regardless of the technology used to complete the transaction. It would allow online merchants to collect a cardholder’s zip code and numerical portion of the street address, only if it is required for fraud prevention or to process the transaction, and only if the data was not aggregated with other cardholder information, sold or shared

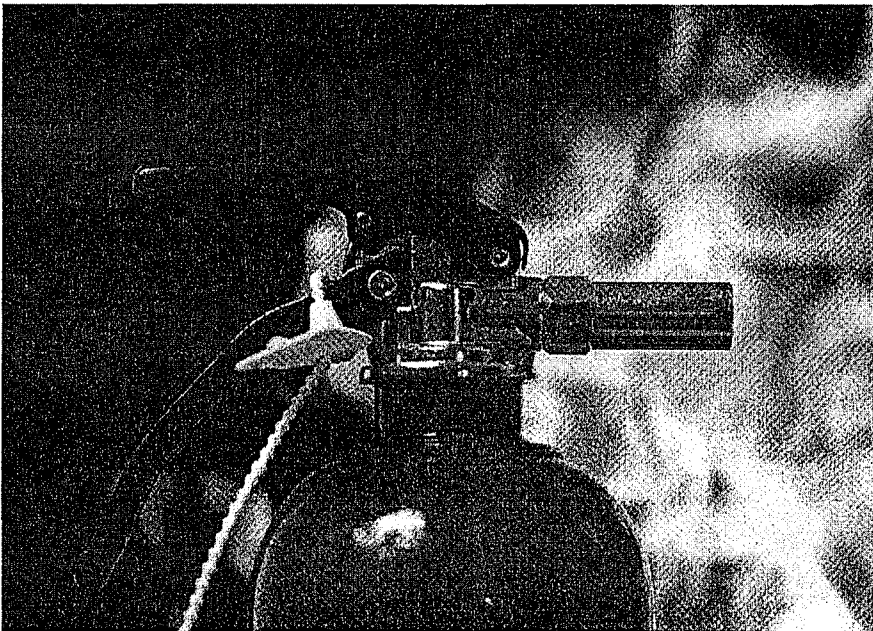
with strangers, used for marketing and was destroyed once the fraud prevention need was concluded.

The California Legislature long ago recognized that retailers don’t have the right to gather personal information from credit card users for marketing purposes. This has been California law for more than two decades and the Supreme Court’s recent opinion is a gift to online businesses, many of which have demonstrated a callous disregard for customer privacy.

SB 383 is co-sponsored by the United Food and Commercial Workers. We anticipate that a hearing on SB 383 will be held in the Senate Judiciary Committee in April.

BY RICHARD HOLOBER,  
CFC EXECUTIVE DIRECTOR

## New Flame Retardant Standard: A Win for Fire Safety, Health, and the Environment



California regulators held a public hearing on March 26 to mark the end of a comment period for updating their 38-year old furniture flammability regulation, TB 117, that has been the focus

of scientists, firefighters, health advocates and consumers worldwide.

The Consumer Federation of California, along with public health, environmental, social justice, labor, and

firefighter organizations testified and submitted more than 87,000 signatures from people in every state to support the revision. Public interest organizations from 36 countries also sent letters, urging California to quickly move forward for improved fire safety without relying on the toxic and ineffective flame-retardant chemicals in TB 117, which are linked to lower IQs in children, infertility and cancer.

For nearly four decades, flame retardant chemical manufacturers have reaped billions in profits at consumers’ expense. It took us six years of battle with the chemical industry to finally win this breakthrough for our health and safety. The new draft, TB 117-2013, follows the advice of safety experts, not chemical manufacturers.

To review TB 117-2013, which would take effect in July 2014, go to <http://www.bhfti.ca.gov/about/laws/propregs.shtml>

# CFC Part of Working Group to Stop Elder Abuse

Every year, millions of older Americans are victims of physical, financial, psychological or other forms of abuse and neglect. While progress has been made in recent years to increase awareness and create and strengthen laws to avert elder abuse, there is still much to be done.

The Consumer Federation of California (CFC) is part of a coalition of advocates working to enact a package of bills regarding abuse, neglect, and exploitation of older persons.

AB 462 (Stone), co-sponsored by CFC and California Advocates for Nursing Home Reform (CANHR), would require residential care facilities for dependent adults and the elderly to have installed and maintained automatic fire sprinkler systems approved by the State Fire Marshal. Current law does not ad-

equately protect those against fires in elderly and adult residential care facilities licensed for six or fewer beds. Many residents need assistance leaving a facility in case of an emergency because of physical or cognitive impairments.

In 2011, five people died in a fire at the Mount Carmel Adult Residential Facility, a single-story home in the Northern California town of Marina. Two caregivers who were awakened by a smoke alarm tried unsuccessfully to rescue their vulnerable wards, but only one resident was able to walk on her own. Five of the six residents died in the blaze; the sixth, along with the two caregivers, was hospitalized. Marina's Mayor called the blaze "a tragedy of a magnitude we haven't experienced before."

Had automatic fire sprinklers been installed, the tragedy might have been prevented. The Government Accountability Office estimated in a 2004 report that automatic sprinkler systems reduce the chance of fire-related deaths by 73 percent, and smoke alarms and sprinkler systems combined can reduce fire-related deaths by 82 percent.

CFC and CANHR are also co-sponsoring AB 553 (Medina), which would assure that all prospective reverse mortgage borrowers receive a copy of a pre-counseling self-evaluation worksheet 7 days prior to the required counseling session. The prospective borrower will be advised to complete the worksheet prior to the counseling session and encouraged to discuss suitability issues with the counselor during the session.

Many seniors use reverse mortgage payments to supplement retirement income or pay medical expenses. For an elderly person with few assets, a reverse mortgage can be a lifesaver by allowing them to borrow against the value of their home and not repay the loan until they sell the house, move out or die. However, reverse mortgages, which

come with high fees and interest charges, are a costly option and are often sold by aggressive salespeople who push inappropriate financial products on vulnerable seniors.

*Some other bills the coalition is addressing include:*

AB 140 (Dickenson) would update the definition of "undue influence" to strengthen protections for elderly or dependent adults against coercion or abusive persuasion by another person who is in a position of authority.

AB 477 (Chau) would add notaries public in the definition of mandated reporters of suspected financial abuse of an elder or dependent adult.

AB 581 (Ammiano) would prohibit an adult residential facility from retaliating against anyone receiving facility services who filed a complaint or a request for inspection.

AB 918 (Cooley) would authorize the Office of Emergency Services to prepare a specialized plan to mobilize senior citizens and disabled persons during an emergency or natural disaster.

SB 60 (Wright) would specify that elder and dependent adult victims of financial exploitation are eligible to receive compensation from the Victims Compensation Fund.

SB 129 (Wright) would extend the surcharge for telecom universal service programs, which fund the deaf and disabled programs that are set to end on Jan 1, 2014 but would instead expire on Jan 1, 2024.

SB 272 (Corbett) would make it illegal for any nongovernmental entity to use an emblem to imply connection with any military or veteran organizations without approval, for the purpose of financial gain.





## ABOUT US

The Consumer Federation of California (CFC) is a non-profit advocacy organization. Since 1960, CFC has been a powerful voice for consumer rights, campaigning for state and federal laws that place consumer protection ahead of corporate profit. Each year, CFC testifies before the California legislature on dozens of bills that affect millions of our state's consumers and appears before state agencies in support of consumer regulations.

Contributions are not tax deductible.

## KEEP IN TOUCH

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# Scoring the California Legislature: Who Stood With Consumers in 2012?

CFC's 2012 Scorecard for State Legislators rates lawmakers on their votes cast on consumer rights bills including utility regulation, access to civil justice, truth in advertising, debt collection practices, automobile safety, insurance policyholder protection, and corporate accountability.

Lawmakers are graded on legislative proposals that CFC sponsored, supported, or opposed. We assessed final substantive floor votes. Committee votes were included when bills died in committee.

A favorable vote from the consumer's standpoint is represented with an R (Right). A vote against consumers is noted with a W (Wrong). If a lawmaker did not have an excused absence on the

day of a vote, it is marked as a failure to vote. Failure to vote on a pro-consumer bill is scored as a vote against consumers (W\*), and failure to vote on an anti-consumer bill is scored as a vote for consumers (R\*). A dash (-) specifies either that a lawmaker was not a member of the committee being evaluated, or that

the lawmaker had an excused absence on the day of a vote.

Scores are based on the percent of votes in which the lawmaker sided with consumers. We have included cumulative scores, which represent right and wrong votes cast by the lawmaker during his or her tenure from 2005-2012.

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The scorecard should help you evaluate how lawmakers voted on consumer protection bills that affect our finances, privacy, and our health and safety, but often get little news coverage.

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Padilla	DEM.	7	1	—	R	R	R	R	R	R	—	W	R	—	—	88%	86%
Pavley	DEM.	9	0	—	R	R	R	R	R	R	R*	R*	R	—	—	100%	99%
Price	DEM.	7	2	—	R	R	R	R	R	R	—	W	R	W	—	78%	84%
Rubio	DEM.	6	4	—	R	R	R	R	R	W	R*	W	W*	—	W	60%	64%
Runner	REP.	1	3	—	W	R	—	W	W	—	—	—	—	—	—	25%	15%
Simitian	DEM.	9	0	—	R	R	R	R	R	R	R	R	R	—	—	100%	98%
Steinberg	DEM.	7	1	—	R	R	R	R	R	R	—	W	R	—	—	88%	96%
Strickland	REP.	1	6	—	W	R	W	W*	W	W	—	—	—	W	—	14%	20%
Vargas	DEM.	5	4	—	R	R	W	R	R	W	—	W	R	W	—	56%	70%
Walters	REP.	1	6	—	W	R	W	W	W	—	—	W	W	—	—	14%	7%
Wolk	DEM.	9	0	—	R	R	R	R	R	R	—	R	R	—	R	100%	93%
Wright	DEM.	7	1	—	R	R	R	R	R	R	—	W	R	—	—	88%	69%
Wyland	REP.	4	4	—	W	R	—	R	W	—	R*	W	W	R*	—	50%	21%
Yee	DEM.	8	0	—	R	R	R	R	R	R	—	R	R	—	—	100%	82%

## Key Consumer Rights Bills

Bill Number	CFC Position	Summary and Status on 10/1/2012
AB 1648 (Brownley)	SUPPORT	Would make changes to the Political Reform Act of 1974 by requiring political slate mail to include information about campaign donors. Held in Rules
AB 1747 (Feuer)	SUPPORT	Would require that every life insurance policy issued or delivered in this state contain a provision for a grace period of not less than 60 days from the premium due date to help ensure that anyone with a life insurance policy have ample time to make all of their payments without being stripped of coverage. Chaptered
AB 1875	SUPPORT	Would limit a deposition of any person to 7 hours of total testimony, except under specified circumstances. Chaptered
AB 2149 (Butler)	SUPPORT	Would prohibit "gag clauses" from appearing in the settlement of a civil lawsuit stemming from elder or dependent adult abuse. Chaptered
AB 2296 (Block)	SUPPORT	Would require non-accredited for-profit postsecondary schools to post their catalogue, performance fact sheet, and their most recent annual report to the Bureau of Private Postsecondary Education (BPPE) on their school website. Chaptered
AB 2505 (Ma)	OPPOSE	Would create a new, undefined category of motor vehicle replacement part, called a "nonoriginal equipment manufacturer certified aftermarket crash part," giving legitimacy to a certification process which is not consumer friendly. Held in Assembly Appropriations
SB 491 (Evans)	SUPPORT	Would void waivers of class action rights and other representative actions in contracts of adhesion. Failed in Senate Judiciary
SB 890	SUPPORT	Would enact the Fair Debt Buyers Practices Act, which would regulate the activities of debt buyers. Failed in Assembly Business & Professions
SB 990 (Vargas)	OPPOSE	Would allow the use of reports from the usually less-dependable commercial data providers, instead of the National Motor Vehicle Title Information System (NMVTIS), to satisfy current consumer protection laws regarding the sale of used cars. Failed in Senate Transportation & Housing
SB 1161 (Padilla)	OPPOSE	Would stop the California Public Utilities Commission (CPUC) from regulating Voice Over Internet Protocol (VOIP) phone service, leaving the legislature as the only body able to govern this utility. Chaptered
SB 1208 (Leno)	SUPPORT	Would require publicly traded corporations to include the names and compensation of the five most highly compensated retirees in statements filed with the Secretary of State. Failed on Assembly Floor
SB 1460 (Yee)	OPPOSE	Would create a new class of crash parts called "certified new non-OEM parts" but does not specify which accredited developer may certify the parts, what criteria a developer might use for certification, or whether that criteria might be standardized, and thus would empower insurers to "shop" for an accrediter to certify the parts the insurer wants to use. First hearing cancelled at request of author

Check the back panel  
to see how we scored  
lawmakers



LEGEND

R = Right, voted for consumers  
W\* = Present, did not vote - same as voting against consumers  
R\* = Present, did not vote, same as voting in favor of consumers  
-- = Excused absence, not a member of committee, or not a member of the Assembly at the time the vote was cast  
W = Wrong, voted against consumers

# 2012 Consumer Scorecard for State Lawmakers: Senate

Senate Member	Party	Total Right Votes Cast	Total Wrong Votes Cast	AB 858 Judiciary 7/3	AB 1447 Floor 8/23	AB 1747 Floor 8/20	AB 1875 Floor 8/27	AB 2149 Floor 8/22	AB 2296 Floor 8/23	SB 890 Floor 1/31	SB 990 T. & H. 4/10	SB 1161 Floor 5/30	SB 1208 Floor 5/30	SB 1460 B, P & ED 4/16	CPUC Intervenor Compensation Audit JLAC 8/8	2012 Score	Lifetime Score
Alquist	DEM.	8	1	--	R	R	R	R	R	R	--	W	R	--	R*	89%	94%
Anderson	REP.	1	8	--	W	R	W	W	W	W	--	W	W	--	W	11%	18%
Berryhill, J.	REP.	1	7	--	W	R	W	W	W	W	--	W	W	--	--	13%	14%
Blakeslee	REP.	2	5	W	--	R	W	R	--	W	--	W	W	--	--	29%	22%
Calderon, R.	DEM.	3	5	--	W*	R	R	W*	R	W*	--	W	W	--	--	38%	50%
Cannella	REP.	1	7	--	W	R	W	W*	W	W	--	W	W	--	--	13%	17%
Corbett	DEM.	10	0	R	R	R	R	R	R	R	--	R	R	R	--	100%	100%
Correa	DEM.	5	4	--	W*	R	R	R	R	R	--	W	W	W	--	56%	52%
de Leon	DEM.	6	1	--	--	R	R	R	--	R	--	W	R	--	R*	86%	92%
DeSaulnier	DEM.	8	1	--	R	R	R	R	R	R	R	W	R	--	--	89%	94%
Dutton	REP.	1	8	--	W	R	W	W	W	W	--	W	W	--	W	11%	17%
Emmerson	REP.	2	7	--	W	R	W	W	W	W	--	W	W	R*	--	22%	19%
Evans	DEM.	9	0	R	R	R	R	R	R	R	--	R*	R	--	--	100%	97%
Fuller	REP.	1	7	--	W	R	W	W	W	W	--	W	W	--	--	13%	15%
Gaines, J.	REP.	1	8	--	W	R	W	W	W	W	W	W	W	--	--	11%	15%
Hancock	DEM.	8	0	--	R	R	R	R	R	R	--	R	R	--	--	100%	99%
Harman	REP.	0	9	W	W	--	W	W*	W	W	W	W	W	--	--	0%	14%
Hernandez, E.	DEM.	8	1	--	R	R	R	R	R	R	--	W	R	R*	--	89%	76%
Huff	REP.	1	7	--	W	R	W	W	W	W	--	W	W*	--	--	13%	13%
Kehoe	DEM.	8	1	--	R	R	R	R	R	R	R*	W	R	--	--	89%	93%
La Malfa	REP.	1	8	--	W	R	W	W	W	W	--	W	W	--	W	11%	11%
Leno	DEM.	9	0	R	R	R	R	R	R	R	--	R	R	--	--	100%	100%
Lieu	DEM.	5	2	--	R	R	R	--	R	R	--	W	W	--	--	71%	87%
Liu	DEM.	7	1	--	R	R	R	R	R	R	--	W	R	--	--	88%	95%
Lowenthal, A.	DEM.	8	1	--	R	R	R	R	R	R	R*	W	R	--	--	89%	96%
Negrete McLeod	DEM.	7	2	--	R	R	R	R	R	R	--	W	R	W	--	78%	70%

# 2012 Consumer Scorecard for State Lawmakers: Assembly

Assembly Member	Party	Total Right Votes Cast	Total Wrong Votes Cast	AB 1447 Floor 5/29	AB 1648 Floor 8/20	AB 1747 Floor 5/14	AB 1875 Floor 5/31	AB 2149 Floor 5/25	AB 2296 Floor 5/14	AB 2505 B. P. & CP 4/24	SB 491 Judiciary 7/3	SB 890 B. & F. 7/2	SB 890 Judiciary 6/26	SB 1161 Floor 8/20	SB 1208 Floor 8/21	CPUC Intervenor Compensation Audit, ILAC 8/8	2012 Score	Lifetime Score
Achadjian	REP	0	9	W	W	W	W	W	W			W		W	W		0%	1%
Alejo	DEM.	8	1	R	R	R	R	R	R	-	-	-	-	W	R	R*	89%	95%
Allen	DEM.	8	1	R	R	R	R	R	R	W	-	-	-	R	R		89%	95%
Ammiano	DEM.	8	0	R	R	R	R	R	R	-	-	-	-	R	R	-	100%	100%
Atkins	DEM.	5	2	R	R		R				W*		R	W	R		71%	90%
Beall	DEM.	8	0	R	R	R	R	R	R	-	-	-	-	R	R	-	100%	97%
Berryhill, B.	REP.	0	8	W	W	W	W		W*	W				W	W		0%	11%
Block	DEM.	7	1	R	R	R	R	R	R	-	-	-	-	W	R	-	88%	84%
Blumenfeld	DEM.	7	1	R	R	R	R	R	R	-	-	-	-	W	R		88%	93%
Bonilla	DEM.	6	2	R	R	R	R	R	R	-	-	-	-	W	W*	-	75%	89%
Bradford	DEM.	6	2	R	R	R	R	R	R	-	-	-	-	W	W*		75%	90%
Brownley	DEM.	7	1	R	R	R	R	R	R	-	-	-	-	W	R	-	88%	97%
Buchanan	DEM.	5	3	R	R	R	R	W*	R					W	W		63%	73%
Butler	DEM.	8	1	R	R	R	R	R	R	W	-	-	-	R*	R	-	89%	95%
Calderson, C.	DEM.	7	2	R	W*	R	R	R	R	-	-	R		W	R		76%	75%
Campos	DEM.	7	1	R	R	R	R	R	R	-	-	-	-	W	R	-	88%	95%
Carter	DEM.	7	1	R	R	R	R	R	R	-	-	-	-	W	R		88%	92%
Cedillo	DEM.	4	3	-	R	R	W*	W*	R	-	-	-	-	W	R	-	57%	85%
Chesbro	DEM.	8	0	R	R	R	R	R	R	-	-	-	-	R	R		100%	93%
Conway	REP.	0	8	W	W	W	W	W	W	-	-	-	-	W	W	-	0%	8%
Cook	REP.	0	8	W*	W	W	W	W	W					W	W		0%	10%
Davis	DEM.	7	1	R	R	R	R	R	R	-	-	-	-	W	R	-	88%	81%
Dickinson	DEM.	9	1	R	R	R	R	R	R		R		R	W	R		90%	96%
Donnelly	REP.	0	9	W	W	W	W	W	W	-	-	-	-	W	W	W	0%	5%
Eng	DEM.	8	2	R	R	R	R	R	R	W	-	R*		W	R		80%	96%
Feuer	DEM.	10	0	R	R	R	R	R	R	-	R	-	R	R	R	-	100%	100%
Fletcher	IND.	1	4		R		W*					W*		W	W		20%	22%
Fong	DEM.	6	2	R	R	R	R	R	R	-	-	-	-	W	W*	-	75%	93%
Fuentes	DEM.	5	4	R	R	R	R	W*	R			W*		W	W*		56%	78%
Furutani	DEM.	6	0	R	-	R	R	R	R	-	-	-	-	-	R	-	100%	87%
Gaines, B.	REP.	0	8	W	W	W	W	W	W					W	W		0%	15%
Galgiani	DEM.	5	3	W*	R	R	R	R	R	-	-	-	-	W	W	-	63%	54%
Garrick	REP.	0	8	W	W	W	W	W	W					W	W		0%	13%
Gatto	DEM.	7	2	R	R	R	R	R	W	-	-	W*	-	R	R	-	78%	84%
Gordon	DEM.	6	2	R	R	R	R	R	R					W	W		75%	90%
Gorell	REP.	1	9	R	W	W	W	W	W	-	W	-	W*	W	W	-	10%	9%

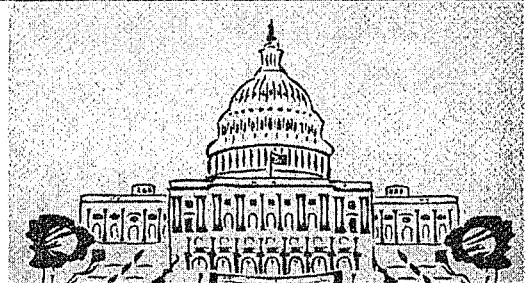
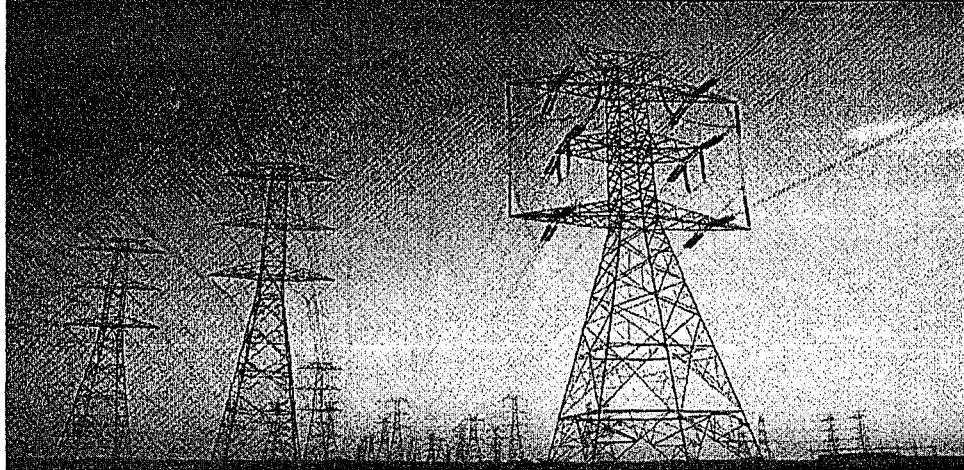
Grove	REP.	0	8	W	W	W	W	W*	W	-	-	-	-	W	W	-	0%	8%
Hagman	REP.	1	8	W	W	W	W	W	W	R*	-	-	-	W	W	-	11%	11%
Halderman	REP.	0	8	W	W	W*	W	W	W	-	-	-	-	W	W	-	0%	5%
Hall	DEM.	4	2	--	R	R	R	-	R	-	-	-	-	W	W*	-	67%	70%
Harkey	REP.	0	9	W	W	W	W	W	W	-	-	-	W	W	W	-	0%	6%
Hayashi	DEM.	6	3	R	R	R	R	R	R	W	-	-	-	W	W	-	67%	89%
Hernandez, R.	DEM.	5	1	R	-	R	R	R	R	-	-	W*	-	-	-	-	83%	89%
Hill	DEM.	7	2	R	R	R	R	R	R	W	-	-	-	W	R	-	78%	89%
Huber	DEM.	6	4	R	R	R	R	W	R	-	W	-	R	W	W	-	60%	58%
Hueso	DEM.	5	3	W*	R	R	R	R	R	-	-	-	-	W	W*	-	63%	85%
Huffman	DEM.	8	0	R	R	R	R	R	R	-	-	-	-	R	R	-	100%	100%
Jeffries	REP.	0	8	W	W	W	W	W	W	-	-	-	-	W	W	-	0%	15%
Jones	REP.	0	10	W	W	W	W	W	W	-	W	-	W*	W	W	-	0%	5%
Knight	REP.	0	7	W	W	W	W	-	W	-	-	-	-	W	W	-	0%	9%
Lara	DEM.	8	2	R	R	R	R	R	R	-	-	R	-	W	R	W	80%	87%
Logue	REP.	0	8	W	W	W	W	W	W	-	-	-	-	W	W	-	0%	11%
Lowenthal, B.	DEM.	10	0	R	R	R	R	R	R	-	R	-	R	R	R	R*	100%	100%
Ma	DEM.	5	3	R	R	R	R	-	R	W	-	-	-	W	W*	-	63%	92%
Mansoor	REP.	0	8	W	W*	W	W*	W	W	-	-	-	-	W	W	-	0%	5%
Mendoza	DEM.	6	2	R	R	R	W*	R	R	-	-	-	-	R*	W	-	75%	85%
Miller	REP.	0	8	W	W	W	W	W	W	-	-	-	-	W	W	-	0%	15%
Mitchell	DEM.	7	1	R	R	R	R	R	R	-	-	-	-	W	R	-	88%	90%
Monning	DEM.	11	0	R	R	R	R	R	R	-	R	-	R	R	R	R*	100%	100%
Morrell	REP.	0	9	W	W	W	W	W	W	-	-	W	-	W	W	-	0%	5%
Nestande	REP.	0	8	W	W	W	W	W	W	-	-	-	-	W	W	-	0%	16%
Nielsen	REP.	1	7	W	W	R	W	W	W	-	-	-	-	W	W	-	13%	19%
Norby	REP.	0	9	W	W	W	W*	W	W	-	-	-	-	W	W	W	0%	4%
Olsen	REP.	0	8	W	W	W	W	W	W	-	-	-	-	W	W	-	0%	10%
Pan	DEM.	7	2	R	R	R	R	R	R	-	-	-	-	R*	W	W	78%	86%
Perea	DEM.	3	3	R	R	-	R	-	-	-	-	W*	-	W	W	-	50%	58%
Pérez, V.M.	DEM.	6	2	R	R	R	R	R	R	-	-	-	-	W	W	-	75%	93%
Pérez, J.	DEM.	7	1	R	R	R	R	W*	R	-	-	-	-	R	R	-	88%	79%
Portantino	DEM.	6	2	R	R	R	R	R	W*	-	-	-	-	W	R	-	75%	88%
Silva	REP.	0	7	W	W	W	W	-	W	-	-	-	-	W	W	-	0%	10%
Skinner	DEM.	8	0	R	R	R	R	R	R	-	-	-	-	R	R	-	100%	96%
Smyth	REP.	0	10	W	W	W	W	W	W	W	-	-	-	W	W	W	0%	11%
Soldiro	DEM.	5	3	R	R	R	R	R	W*	-	-	-	-	W	W	-	63%	71%
Swanson	DEM.	7	1	R	R	R	R	R	R	-	-	-	-	W	R	-	88%	96%
Torres	DEM.	6	3	R	R	R	R	R	R	-	-	W*	-	W	W	-	67%	76%
Valadao	REP.	0	5	W	W	-	W*	W	-	-	-	-	-	W	-	-	0%	6%
Wagner	REP.	0	10	W	W	W	W	W	W	-	W	-	W	W	W	-	0%	8%
Wieckowski	DEM.	8	2	R	R	R	R	R	R	-	R	-	R	W	W	-	80%	92%
Williams	DEM.	7	1	R	R	R	R	R	R	-	-	-	-	W	R	-	88%	95%
Yamada	DEM.	8	0	R	R	R	R	R	R	-	-	-	-	R	R	-	100%	95%

**Exhibit D - Part 2**

# THE California Consumer

SUMMER 2013

THE NEWSLETTER OF THE CONSUMER FEDERATION OF CALIFORNIA



## 2013 LEGISLATIVE SUMMARY

The following is a brief legislation update on key consumer rights bills (partial list):

### CFC supported Senate bills (active)

**SB 52 (Leno, Hill)** strengthens transparency provisions relating to campaign disclosure requirements for contributions and advertisements.

**SB 448 (Leno)** proposes office to investigate possible gas price fixing and illegal activity; recommends ways to reduce volatility of gas prices in California.

**SB 556 (Corbett)**, co-sponsored by CFC, creates accountability for government agencies when they use subcontractors appearing to be employees.

### CFC supported Senate bills (not active)

**SB 383 (Jackson)**, sponsored by CFC, restores consumer privacy for online purchases; it is now a 2-year bill and is being held for a Senate Floor vote in January 2014.

### CFC opposed Senate bill (not active)

**SB 661 (Hill)** permits a product to be offered for sale in California bearing a Made in USA label if 90% of the cost of the content is domestic; it is now a 2-year bill.

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## Auditor vindicates PUC Intervenor Compensation Program

The Intervenor Compensation Program is intended to ensure that utility ratepayers have effective representation in proceedings of the California Public Utilities Commission. Qualified intervenors that participate in commission proceedings may request reimbursement for their costs associated with participating.

The California State Auditor released a report that reviewed five years of intervenor compensation that was awarded to the top ten advocacy groups participating, including CFC – and whether that program is properly managed by the CPUC.

The audit, ordered by the Joint Legislative Audit Committee at the request of Assemblyman Henry Perea, found the program has a “robust process” to determine whether intervenor costs and expenses are reasonable, and has a process to evaluate whether intervenors represent the interests of utility ratepayers before it awards compensation.

AT&T, Verizon, PG&E and other big utilities had great hopes that the audit would help strangle a program that has saved California consumers billions of dollars by scaling back outlandish rate

hike proposals. Instead the audit found that the program is well managed.

Last year, AT&T and Verizon endorsed Assemblyman Perea’s call for the audit, and PG&E lobbyists worked behind the scenes to win its passage by the Joint Legislative Audit Committee.

The program helps to level the playing field for California’s hard-working utility ratepayers. Individual consumers typically lack the financial ability to hire experts and lawyers to argue against utility companies, but utility companies have seemingly limitless resources to bring lawyers, economists, geologists, and other professional experts to make their case to the CPUC. Nonprofit organizations intervene on behalf of consumers, our health, safety, privacy, the environment, and the voiceless – such as immigrants, the poor, and the disabled – when a profit-hungry utility company brings a rate case or rule-making to the CPUC. The results of the intervenor program are typically lower rates, saving consumers hundreds of millions of dollars every single year.

For example, CFC and other nonprofit organizations that represent the inter-

▶ CONTINUED ON NEXT PAGE

## 2013 LEGISLATIVE SUMMARY

► CONTINUED FROM PREVIOUS PAGE

### CFC supported Assembly bills (active)

**AB 25 (Campos)** provides social media privacy rights for public-sector employees; prohibits employers from requiring applicants or employees to give their email or social media passwords.

**AB 127 (Skinner)** reduces the use of toxic flame retardant chemicals in building insulation while maintaining fire safety and encouraging healthy building practices.

**AB 658 (Calderon)** protects privacy for people using mobile medical apps; does not permit vendors providing personal health record services to share confidential medical information.

### CFC supported Assembly bills (not active)

**AB 462 (Stone)**, co-sponsored by CFC, requires residential care facilities for dependent adults and the elderly to install fire sprinkler systems; unfortunately, the bill failed passage.

**AB 553 (Medina)**, co-sponsored by CFC, ensures that seniors understand a reverse mortgage before signing a contract; it is now a 2-year bill.

**AB 1291 (Lowenthal)**, co-sponsored by CFC, requires companies to give users access to personal data the company has collected about them, and a list of companies with whom the users' personal data was shared; it is now a 2-year bill.

### CFC opposed Assembly bills (not active)

**AB 844 (Dickinson)**, originally a privacy bill, amended to give merchants the ability violate consumer privacy; the bill was pulled by the author for improvements and is now a 2-year bill.

**AB 890 (Jones)**, transforms California's labeling standard to the less-stringent federal definition; it is now a 2-year bill.

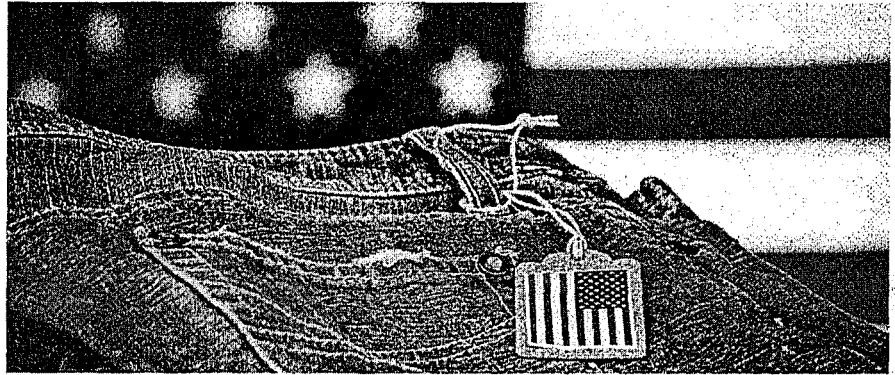
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ests of residential ratepayers successfully opposed an application by PG&E, SoCal Gas and San Diego Gas & Electric to raise natural gas fees charged to residential ratepayers by \$90 million a year. Over a 10-year period, the cost to consumers would have been \$900 million. For CFC's work, the CPUC ordered PG&E, SDG&E and SoCal Gas to pay an award of \$218,216.20, which cost about two-one hundredths of a penny

(0.00024) for every dollar that was saved for residential customers.

Instead of casting aspersions against a law that has given consumers an effective voice in standing up against the arrogance and greed of the gigantic utility corporations, the audit's appraisal of the program was favorable.

The State Auditor's report is available at <http://www.bsa.ca.gov/pdfs/reports/2012-118.pdf>



## California's "Made in USA" Label Stays Strong

When most of us see a Made in USA label, we assume the product is actually made domestically. But what Californians might not realize is that the weakening of the Made in USA standard has been up for debate in our state – this year with AB 890 and SB 661.

Introduced by Assemblymember Brian Jones, AB 890 attempts to transform California's no-exception labeling standard to the less-stringent federal definition, which would have turned existing California law on its head. California's standard of determining the legitimacy of a Made in USA claim is more defined than the Federal Trade Commission's (FTC) standard, which allows products to carry the label if they are "all or virtually all" manufactured in the U.S. The FTC does not clarify the amount of foreign content that can pass its "all or virtually all" test. For example, the FTC is turning a blind eye to a major shoe manufacturer that puts a Made in USA label on shoes containing 30% imported content.

SB 661, introduced by Senator Jerry Hill, would permit a product to be offered for sale in California bearing a Made in USA label if only 90% of the cost of the content is domestic. Current California law prohibits companies from making Made in USA product claims unless each part comes from the United States.

CFC agrees with the 2011 ruling of the California Supreme Court, which upholds this important truth-in-advertising law. The Court found that a consumer suffers economic harm if deceived into making a purchase relying on the accuracy of the Made in USA label, and affirmed, "Simply stated: labels matter. The marketing industry is based on the premise that labels matter, that consumers will choose one product over another similar product based on its label and various tangible and intangible qualities they may come to associate with a particular source... For each consumer who relies on the

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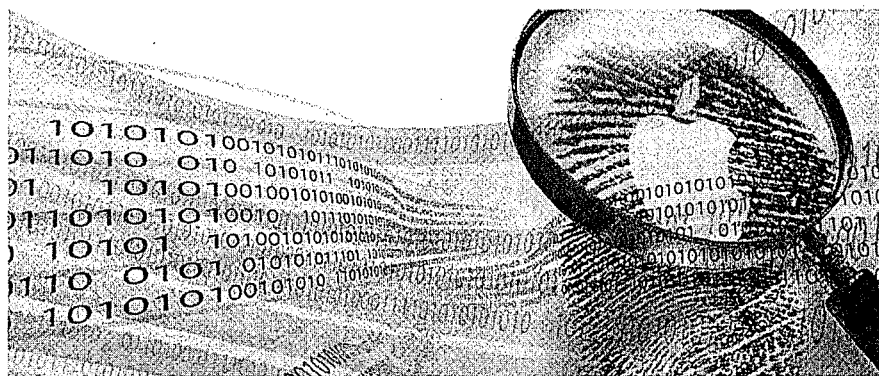
truth and accuracy of a label and is deceived by misrepresentations into making a purchase, the economic harm is the same: the consumer has purchased a product that he or she paid more for than he or she otherwise might have been willing to pay if the product had been labeled accurately.”

Businesses that actually provide 100% American-made products rely on accurate labeling when they undertake campaigns to encourage consumers to buy their products. Without adequate enforcement of the Made in USA stan-

dard, some companies could mislead consumers without fear of liability.

Attempts have been made in the past to dilute California's Made in USA standard. Just last year, Assemblymember Jones introduced a similar bill that CFC and other consumer groups also opposed – and it was rejected.

AB 890 was rejected by the Senate and SB 661 was held by the author, making it a 2-year bill. CFC will continue the fight in 2014 to protect this truth in labeling law.



## Apple: Enemy of Consumer Privacy

Since 1991, the Song-Beverly Credit Card Act has prohibited businesses from requesting personal identification information such as a cardholder's address and telephone number in a purchase using a credit card. But this February, in a case alleging that Apple violated the privacy of consumers purchasing iTunes downloads, the California Supreme Court ruled that the Act does not apply to transactions relating to the multibillion-dollar online commerce world.

In a narrow 4-3 decision, the Court majority stated that the remote nature of the transaction creates a heightened risk of fraud that was not contemplated when the privacy provisions were enacted. The Court reasoned that fraud prevention required online merchants to gather personal information from their customers. But instead of carving out a narrow fraud prevention exception, the Court voided credit card privacy rights in their entirety for online businesses.

As a result, these merchants are free to require customers to divulge all kinds of personal information, and they may use that information for any purpose, including marketing or sale to strangers.

As technology enables marketers to collect and aggregate data on our every move online, the speed of selling information is accelerating. The simple act of surrendering a telephone number can set in motion a cascade of events, as that data is acquired, analyzed, categorized, stored and sold with other personal data over and over again. Online databases are also highly vulnerable to hacking by crooks. Numerous reports allege that iTunes and other Apple databases are a favorite for identity thieves, making the gathering of personally identifiable information alongside credit card numbers an irresponsible practice for this giant corporation to champion.

CFC sponsored SB 383 (Jackson) to restore privacy protections, permit-



## CFC'S NEW WEBSITE

CFC is pleased to announce the release of our new and improved website, designed with a fresh look, user-friendly navigation, a consumer complaint form, and updated with the latest information. We will continually expand our content to bring you important consumer news, so we encourage you to bookmark it, check back often, and connect with us on Facebook and Twitter. If you haven't already done so, please sign up for our email updates. Visit our new site at [www.consumercal.org](http://www.consumercal.org) today.



ting online businesses to collect only a customer's zip code and other limited information necessary to combat fraud or identity theft. The information would then be destroyed when the crime prevention purpose is concluded. Apple is leading the opposition to SB 383. Several industry lobbying organizations have lined up against the bill. Senator Jackson plans to take up SB 383 for a Senate Floor vote in January 2014.

Another credit card privacy bill, AB 844 (Dickinson), would have protected personal information for online credit card purchases with limited new exceptions for fraud prevention. Assembly leadership referred AB 844 to the Assembly Appropriations Committee, where it was hijacked by retail industry lobbyists. The Committee Chair forced hostile amendments that turned AB 844 into a vehicle to eliminate privacy protections for credit card transactions at brick-and-mortar businesses. CFC and other consumer groups oppose the amended version of AB 844.

Assembly member Dickinson has held AB 844 in the Senate until 2014, and has reaffirmed his commitment to work with us to restore it as a privacy bill.

CFC continues to be vigilant about privacy rights because companies like Apple will increasingly look for ways to market our personal information for profit.

## ABOUT US

The Consumer Federation of California (CFC) is a non-profit advocacy organization. Since 1960, CFC has been a powerful voice for consumer rights, campaigning for state and federal laws that place consumer protection ahead of corporate profit. Each year, CFC testifies before the California legislature on dozens of bills that affect millions of our state's consumers and appears before state agencies in support of consumer regulations.

Contributions are not tax deductible.

## KEEP IN TOUCH

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# CFC Honors 2013 Consumer Champions

CFC held its seventh annual Legislative Reception at the State Capitol in April, providing us with the opportunity to honor the work of some of our state's most influential consumer rights champions. State lawmakers, CFC members and representatives from public interest advocacy organizations attended the festivities. Those honored include:

### Legislator of the Year

- Senator Noreen Evans scored 100% for consumers on CFC's Legislative Scorecard, and as Senate Judiciary Committee Chair, has been a key defender of consumer rights

### Albin Gruhn Consumer Warrior Award

- Arlene Blum, PhD, biochemist, has contributed greatly to the regulation of cancer-causing flame retardants

### Consumer Champion Awards to leaders in the 2012 No on Prop 33 campaign

- California Alliance for Retired Americans
- California Bicycle Coalition
- California Church IMPACT
- California Nurses Association
- Consumer Watchdog
- NOW California
- Dolores Huerta
- Barry Broad
- Joe Ridout



Senator Noreen Evans with CFC Executive Director Richard Holober



Arlene Blum, PhD

**Exhibit D - Part 3**

# THE California Consumer

FALL 2013

THE NEWSLETTER OF THE CONSUMER FEDERATION OF CALIFORNIA



## KEEPING SENIORS SAFE BILL SIGNED INTO LAW

Consumer Federation of California and Legal Assistance to the Elderly, Inc., co-sponsored AB 849 (Garcia), authorizing assistance programs serving victims of elder and dependent adult physical abuse to help them apply to the Safe at Home address confidentiality program.

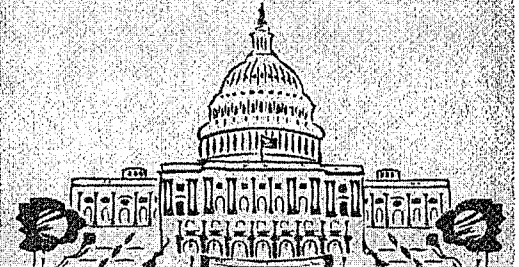
Most victims of elder abuse are harmed by someone they know, often a relative. To escape mistreatment, leaving one's home may sometimes be the only option. Address confidentiality is vital for victims who have been forced to move to escape an abuser who continues to stalk, harass and abuse them.

Victims of domestic violence, sexual assault or stalking have been able to participate in the Safe At Home program to have an address designated by the program serve as the victim's mailing address for certain purposes (e.g., receipt of mail, service of process, state and local public records requests) to provide address confidentiality.

The "Keeping Seniors Safe" law extends the protections currently offered to victims of domestic violence, sexual assault or stalking to ensure that eligible elder or dependent adult abuse victims are aware of their eligibility, and may also apply to the address confidentiality program.

In this session, several additional CFC-supported bills to protect the elderly were signed into law by Governor Brown, which include:

- AB 140 (Dickinson) increases protection for elders financially exploited by "undue influence," or excessive persuasion, by people in positions of authority or trust.
- AB 261 (Chesbro) requires residential care facilities for the elderly to stop charging fees and requires refunds of prepaid fees for a deceased resident.
- AB 663 (Gomez) requires the administrator of a residential care facility to have training in cultural competency and sensitivity in aging lesbian, gay, bisexual and transgender minority issues.



## 2013 LEGISLATIVE SUMMARY

The following is a brief legislation update on key consumer rights bills (partial list):

**CFC-supported bills signed into law**

**SB 46 (Corbett)** strengthens computer account privacy protections by requiring the state and businesses operating in California to provide real-time notification when there is reason to believe someone may have obtained a California resident's password, username, or answers to security questions.

**AB 127 (Skinner)** calls for the reduction of toxic flame retardant chemicals in building insulation while maintaining building fire safety.

**AB 140 (Dickinson)** increases protection for elders financially exploited by undue influence, or excessive persuasion, by people in positions of authority or trust.

**AB 261 (Chesbro)** requires residential care facilities for the elderly to stop charging fees and requires refunds of prepaid fees for a deceased resident.

**AB 658 (Calderon)** protects privacy for people using mobile medical apps, prohibits vendors from sharing confidential medical information.

**AB 849 (Garcia)**, co-sponsored by CFC, authorizes programs serving elder victims of physical abuse to help them apply to an address confidentiality program.

**AB 1149 (Campos)** helps to stop identity theft by requiring local government agencies to notify workers if their data has been hacked.

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## 2013 LEGISLATIVE SUMMARY

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### CFC-supported vetoed bill

**SB 448 (Leno)** proposed an office to investigate possible gasoline price fixing; would have investigated illegal activity and recommended ways to reduce volatility of gasoline prices.

### CFC-supported 2-year bills

**SB 52 (Leno, Hill)** strengthens transparency provisions relating to campaign disclosure requirements for contributions and advertisements.

**SB 383 (Jackson)**, sponsored by CFC, restores consumer privacy for online credit card purchases, is being held for a Senate Floor vote in January 2014.

**SB 556 (Corbett)**, co-sponsored by CFC, holds government agencies responsible for conduct of subcontracted workers wearing uniforms or insignias of the agency.

**AB 25 (Campos)** provides social media privacy rights for public-sector employees.

**AB 462 (Stone)**, co-sponsored by CFC, requires residential care facilities for dependent adults and the elderly with 6 or fewer beds to have automatic fire sprinkler systems.

**AB 1291 (Lowenthal)**, co-sponsored by CFC, requires companies to disclose to users, upon request, all of the personal information that has been collected about them, and how that data was shared with other businesses.

### CFC-opposed 2-year bills

**SB 661 (Hill)** and **AB 890 (Jones)** allows products for sale in California that contain imported content to be labeled Made in USA.

**AB 1407 (Bradford)** would turn the low-income LifeLine telephone program into a voucher system for costly telephone plans and eliminate most Public Utilities Commission oversight.

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- **AB 918 (Cooley)** authorizes the Office of Emergency Services to prepare a specialized plan to mobilize senior citizens and disabled persons during an emergency or natural disaster.
- **SB 129 (Wright)** extends the surcharge for telecom universal service programs, which fund the deaf and disabled programs that are set to end on January 1, 2014 but instead will now expire on January 1, 2024.
- **SB 272 (Corbett)** makes it illegal for any nongovernmental entity to use an emblem to imply connection with any military or veteran organizations without approval, for the purpose of financial gain.

- **SB 609 (Wolk)** raises the fine for willful interference with the official duties of the Office of the State Long-Term Care Ombudsman so it is able to continue investigating and resolving complaints by or for residents of long-term care facilities and protecting residents' rights.

*Consumer Federation of California is part of a coalition of advocates working to enact a package of bills regarding abuse, neglect, and exploitation of older persons.*



Governor Brown has signed into law several privacy bills, including the “eraser button” law that gives teens the right to delete social media posts and prohibits certain types of advertising from targeting them; the “revenge porn” measure to prohibit people from posting intimate photos or videos of others online; and another law that requires websites to detail how they respond to Do Not Track signals sent from users' browsers.

CFC-supported data-breach bills were also signed into law: **SB 46 (Corbett)** strengthens computer account privacy protections by requiring the state and businesses operating in California to provide real-time notification when there is reason to believe someone may have obtained a California resident's password, username, or answers

to security questions. This will make it possible to immediately change access information and prevent or limit financial losses and theft of personal data. **AB 1149 (Campos)** helps to stop identity theft by requiring all local government agencies to notify their workers and constituents if their electronic data has been hacked, as the state and the private sector are already required to do.

Another CFC-supported bill, **SB 658 (Calderon)**, signed into law, closes the loophole in the existing protection of Confidentiality of Medical Information Act (CMIA) rules and protects privacy of people using mobile apps for medical purposes.

Internet companies and their lobbyists fought hard against some key consumer privacy bills that we support.

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SB 383 (Jackson), sponsored by CFC, ran into ferocious opposition by industry lobbyists, with Apple leading the charge. SB 383 restores online credit card privacy protections. It would permit online businesses to collect only a customer's zip code and other limited information necessary to combat fraud or identity theft, or to complete a customer-initiated transaction. A recent State Supreme Court decision exempted online merchants from credit card privacy protections that have been the law for over two decades. Online databases are highly vulnerable to hacking and reports allege that iTunes and other Apple databases are a favorite for identity thieves. Apple gathers personally identifiable information alongside credit card

numbers, from customers downloading iTunes, and uses this information for marketing purposes. SB 383 is eligible for a Senate Floor vote in January.

AB 1291 (Lowenthal) requires companies to disclose to users, upon request, all of the personal that has been information collected about them, and how that data was shared with other businesses. Despite commitments to transparency from companies like Facebook, Google, and Microsoft, industry groups that represent them heavily lobbied against the bill. AB 1291 is a two-year bill.

CFC keeps fighting for consumer privacy and data protection – and we appreciate our supporters who continue to assist us in our efforts. Your voice is critical and makes a difference.

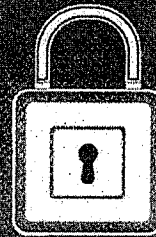


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## Time for a Privacy Uprising?



Google and Yahoo are indignant over revelations that the NSA hacked into their hyper-secure data storage vaults around the world.

But these corporations have no sense of shame when they are caught snooping on the electronic activities of tens of millions of private citizens.

Google Street View cars travel the world to photograph and offer panoramic views of every neighborhood on Google Maps and Google Earth websites. Their photo cars also contained Wi-Fi antennae that captured password protected Wi-Fi transmissions as they drove by homes in 30 countries. The company captured and decoded 600 gigabytes of data from inside homes, including emails, passwords, VoIP phone calls, bank account details and other private information, beginning in 2007. That's the equivalent of 200 million emails intercepted, decoded and stored by Google.

The company's response was to vehemently deny, then gradually acknowledge the extent of their privacy invasion. Finally Google CEO Eric Schmidt stated "we screwed up."

But in a response to a privacy lawsuit, Google told the 9<sup>th</sup> federal circuit court that the transmissions you send from your computer to a Wi-Fi modem located ten feet away in your living room are "radio communications" that are immune from privacy protection. Google's official position in court is that a consumer using an ultra low frequency wireless computer in his or her home over a password protected link to a bank is the same thing as a radio station broadcasting a baseball game over a public high frequency radio antenna to listeners throughout Los Angeles or the Bay Area.

In another case, Google admitted that it scans every email sent over its Gmail system, stating that "a person has

no legitimate expectation of privacy" when using their service.

It argues to the court that it has a right to read the contents of your email. It's equivalent to the US Postal Service looking not only at the addresses on an envelope, but also opening and reading the letter inside the sealed envelope. Yahoo has acknowledged it has a similar email scanning policy.

California lawmakers have been unwilling to enact privacy laws in the face of opposition from these and other corporate benefactors. Perhaps it is time to place privacy protection directly before the voters. We believe corporate claims of privacy invasion prerogatives would be swept aside in the court of public opinion.

BY RICHARD HOLOBER  
EXECUTIVE DIRECTOR

## ABOUT US

The Consumer Federation of California (CFC) is a non-profit advocacy organization. Since 1960, CFC has been a powerful voice for consumer rights, campaigning for state and federal laws that place consumer protection ahead of corporate profit. Each year, CFC testifies before the California legislature on dozens of bills that affect millions of our state's consumers and appears before state agencies in support of consumer regulations.

Contributions are not tax deductible.

## KEEP IN TOUCH

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# Toxic Building Insulation Standard in Hands of State Fire Marshal

Governor Brown signed CFC-supported AB 127 (Skinner) into law, directing the California State Fire Marshal to consider fire safety without the use of ineffective, toxic flame retardant chemicals that are commonly used in building insulation. Many of these toxic chemicals have been linked to cancer, decreased fertility, hormone disruption, lowered IQ, developmental problems, and environmental pollution.

Plastic foam insulation is used in buildings to achieve energy efficiency goals, and flame retardant chemicals have been added to these materials to pass a flammability test. While the standard has not specifically called for the use of toxic flame retardants on plastic

foam insulation, it has been common practice to use them to meet flammability requirements.

But adding flame retardant chemicals to building insulation has been shown not to benefit fire safety for most applications.

Because AB 127 was signed into law, the State Fire Marshal will review the flammability standards for building insulation materials. Based on this review, she will propose updated insulation flammability standards by July 1, 2015 that will: (1) maintain overall building fire safety, and (2) ensure that there is adequate protection from fires that travel between walls and into confined areas, including crawl spaces and attics,

for occupants of the building and any firefighters who may be in the building during a fire.

Once implemented, AB 127 will make building insulation safer and less toxic, without reducing fire safety for building occupants.



Exhibit E

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Exhibit E: Any annual or year-end report for the prior year (Cal. Code Regs., Tit. 10 §  
2662.2(a)(2)(E));

CFC does not produce an annual or year-end report.



**Exhibit F**

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Exhibit F: Statement as to whether or not the group has been granted non-profit status under Internal Revenue Code Section 501(c) (Cal. Code Regs., Tit. 10 § 2662(a)(2)(F)).

As set forth in the verification, above, CFC has been granted non-profit status under Internal Revenue Code Section 501(c) (Cal. Code Reg. § 2662(a)(2)(F)).

Exhibit G

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Exhibit G: A listing, by general category, of the Consumer Federation of California's funding sources for the prior twenty-four (24) months and the approximate total percentage of Consumer Federation of California's annual budget from each funding category. Each foundation, corporate, business, or government grant shall be separately listed by name of foundation, corporation, business, or government agency and amount of grant. For each individual who contributed at least five percent of the group's annual budget, the name of the individual and the total amount of the annual contribution shall be separately listed (Cal. Code Regs., Tit. 10 § 2662.2(a)(2)(G));

General

Court Ordered Cy Pres Awards in Consumer Litigation:	67.9%
Intervenor Compensation Awarded by PUC:	14.0%
Interest & Dividends:	03.6%
Membership dues:	04.6%
Services fees:	06.5%

Grants

CFC received a \$17,500 grant from the California Consumer Protection Foundation.

Individuals who contributed at least 5% of CFC's annual budget

Nicholas Sundback (2013)

**Exhibit H**

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The Consumer Federation of California is a non-profit federation of several organizations, as well as individual members. Organizational members include consumer groups, senior citizen groups, labor organizations and other organizations that are composed of California consumers, all of whom are residential customers of California public utilities. The following are among the diverse groups which belong to the Federation (and the estimated number of consumers in their membership): California Public Interest Research Group (5,000); Communications Workers of America (50,000); Older Women's League; California Nurses Association (60,000); California Service Employees International Union - State Council (500,000); California Teachers Association (330,000); California Federation of Teachers (100,000); Customers for Automobile Reliability and Safety; Consumer Attorneys of California (5,000); California Teamsters Public Affairs Council (150,000); United Food and Commercial Workers - States Council (150,000); Southern California District Council of Laborers (20,000).

There are approximately 30 to 40 other organizational members.

Exhibit I

Exhibit I: List of highlighted 2012-2013 legislation and Legislative Scorecard.

The following are examples of consumer related legislation the CFC focused on in 2013-2013.

**CFC supported Senate bills (active)**

SB 52 (Leno, Hill) strengthens transparency provisions relating to campaign disclosure requirements for contributions and advertisements.

SB 448 (Leno) proposes office to investigate possible gas price fixing and illegal activity; recommends ways to reduce volatility of gas prices in California.

SB 556 (Corbett), co-sponsored by CFC, creates accountability for government agencies when they use subcontractors appearing to be employees.

**CFC supported Senate bills (not active)**

SB 383 (Jackson), sponsored by CFC, restores consumer privacy for online purchases; it is now a 2-year bill and is being held for a Senate Floor vote in January 2014.

**CFC opposed Senate bill (not active)**

SB 661 (Hill) permits a product to be offered for sale in California bearing a Made in USA label if 90% of the cost of the content is domestic; it is now a 2-year bill.

**CFC supported Assembly bills (active)**

AB 25 (Campos) provides social media privacy rights for public-sector employees; prohibits employers from requiring applicants or employees to give their email or social media passwords.

AB 127 (Skinner) reduces the use of toxic flame retardant chemicals in building insulation while maintaining fire safety and encouraging healthy building practices.

AB 658 (Calderon) protects privacy for people using mobile medical apps; does not permit vendors providing personal health record services to share confidential medical information.

**CFC supported Assembly bills (not active)**

AB 462 (Stone), co-sponsored by CFC, requires residential care facilities for dependent adults and the elderly to install fire sprinkler systems; unfortunately, the bill failed passage.

AB 553 (Medina), co-sponsored by CFC, ensures that seniors understand a reverse mortgage before signing a contract; it is now a 2-year bill.

1 AB 1291 (Lowenthal), co-sponsored by CFC, requires companies to give users access to personal  
2 data the company has collected about them, and a list of companies with whom the users' personal  
3 data was shared; it is now a 2-year bill.

3 **CFC opposed Assembly bills (not active)**

4 AB 844 (Dickinson), originally a privacy bill, amended to give merchants the ability violate  
5 consumer privacy; the bill was pulled by the author for improvements and is now a 2-year bill.

6 AB 890 (Jones), transforms California's labeling standard to the less-stringent federal definition; it  
7 is now a 2-year bill.

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## 2013 CONSUMER SCORECARD FOR STATE LAWMAKERS

Vote tally as of September 13, 2013.

Assembly Member	Party	Total Right Votes Cast	Total Wrong Votes Cast	AB 127 9/11/13 Floor	AB 140 9/11/13 Floor	AB 458 6/27/13 Floor	AB 462 4/10/13 G.O.	AB 890 5/30/13 Floor	AB 1220 5/28/13 Floor	AB 1409 9/12/13 Floor	SB 448 9/11/13 Floor	SB 556 6/25/13 Judiciary	Authorship	2013 Score	Lifetime Score
Achadjian	R	3	4	R	R	W	-	W	R	W	W	-	-	43%	21%
Alejo	D	6	2	R	R	R	-	W	R	W	R	R	-	75%	90%
Allen	R	3	4	R	R	W	-	W	R	W	W	-	-	43%	82%
Ammiano	D	6	1	R	R	R	-	R	R	W	R	-	-	86%	98%
Atkins	D	6	1	R	R	R	-	R	R	W	R	-	-	86%	89%
Bigelow	R	3	5	R	R	W	W*	W	W	R*	W	-	-	38%	38%
Bloom	D	6	1	R	R	R	-	R	R	W	R	-	-	86%	86%
Blumenfield	D	3	0	-	-	R	-	R	R	-	-	-	-	100%	93%
Bocanegra	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	71%
Bonilla	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	84%
Bonta	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	71%
Bradford	D	5	3	R	R	R	-	W	R	W	R	-	W	63%	85%
Brown	D	5	2	R	R	R	-	R	R	W	W	-	-	71%	71%
Buchanan	D	4	3	R	R	R	-	W	R	W	W*	-	-	57%	71%
Calderon	D	4	3	R	R	R	-	W	R	W	W*	-	-	57%	57%
Campos	D	6	1	R	R	R	-	R*	R	W	R	-	-	86%	93%
Chau	D	7	1	R	R	R	-	R*	R	W	R	R	-	88%	88%
Chávez	R	2	5	R	R	W	-	W	W	W	W	-	-	29%	29%
Chesbro	D	6	2	R	R	R	W	R*	R	W	R	-	-	75%	91%
Conway	R	2	5	R	R	W	-	W	W	W	W	-	-	29%	10%
Cooley	D	5	3	R	R	R	R	W	R	W	W*	-	-	63%	63%
Dahle	R	2	5	R	R	W	-	W	W	W	W	-	-	29%	29%
Daly	D	4	3	R	R	R	-	W	R	W	W	-	-	57%	57%
Dickinson	D	7	1	R	R	R	-	R	R	W	R	R	-	88%	94%
Donnelly	R	1	6	W	W*	W	-	W	W	R	W	-	-	14%	7%
Eggman	D	6	1	R	R	R	-	R	R	W	R	-	-	86%	86%
Fong	D	6	1	R	R	R	-	R*	R	W	R	-	-	86%	92%
Fox	D	5	2	R	R	R	-	W	R	R*	W	-	-	71%	71%
Frazier	D	5	3	R	R	R	-	R	R	W	W*	-	W	63%	63%
Gaines	R	2	5	R	R	W	-	W	W	W	W	-	-	29%	19%
Garcia	D	7	1	R	R	R	-	R*	R	W	R	R	-	88%	88%
Gatto	D	6	1	R	R	R	-	R	R	W	R	-	-	86%	84%
Gomez	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	71%
Gonzalez	D	6	1	R	R	R	-	R*	R	W	R	-	-	86%	86%
Gordon	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	85%

Assembly Member	Party	Total Right Votes Cast	Total Wrong Votes Cast	AB 127 9/11/13 Floor	AB 140 9/11/13 Floor	AB 458 6/27/13 Floor	AB 462 4/10/13 G.O.	AB 890 5/30/13 Floor	AB 1220 5/28/13 Floor	AB 1409 9/12/13 Floor	SB 448 9/11/13 Floor	SB 556 6/25/13 Judiciary	Authorship	2013 Score	Lifetime Score
Gorell	R	2	6	R	R	W	-	W	W	W	W	W	-	25%	16%
Gray	D	5	3	R	R	R	W*	R	R	W	W	-	-	63%	63%
Grove	R	2	5	R	R	W	-	W	W	W	W	-	-	29%	11%
Hagman	R	2	6	R	R	W	W	W	W	W	W	-	-	25%	13%
Hall	D	6	2	R	R	R	R	W	R	W	R	-	-	75%	71%
Harkey	R	2	5	R	R	W	-	W	W	W	W	-	-	29%	9%
Hernández	D	5	3	R	R	R	W	R	R	W	W*	-	-	63%	81%
Holden	D	4	1	R	R	R	-	-	-	W	R	-	-	80%	80%
Jones	R	2	6	R	R	W	W	W	W	W	W	-	-	25%	10%
Jones-Sawyer	D	7	1	R	R	R	R	R*	R	W	R	-	-	88%	88%
Levine	D	5	3	R	R	R	W	W	R	W	R	-	-	63%	63%
Linder	R	2	5	R	R	W	-	W	W*	W	W	-	-	29%	29%
Logue	R	2	5	R	R	W	-	W	W	W	W	-	-	29%	14%
Lowenthal	D	6	1	R	R	R	-	R	R	W	R	-	-	86%	98%
Maienschein	R	2	6	R	R	W	-	W	W	W	W	W	-	25%	25%
Mansoor	R	3	4	R	R	W	-	W	W	R*	W	-	-	43%	15%
Medina	D	5	3	R	R	R	R	W	R	W	W*	-	-	63%	63%
Melendez	R	2	5	R	R	W	-	W	W*	W	W	-	-	29%	29%
Mitchell	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	85%
Morrell	R	2	5	R	R	W	-	W	W	W	W	-	-	29%	10%
Mullin	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	71%
Muratsuchi	D	6	2	R	R	R	-	W	R	W	R	R	-	75%	75%
Nazarian	D	6	1	R	R	R	-	R	R	W	R	-	-	86%	86%
Nestande	R	2	6	R	R	W	W	W	W	W	W	-	-	25%	17%
Olsen	R	1	6	W	R	W	-	W	W	W	W	-	-	14%	11%
Pan	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	82%
Patterson	R	2	5	R	R	W	-	W	W	W	W	-	-	29%	29%
Perea	D	5	3	R	R	R	R	W	R	W	W*	-	-	63%	59%
Pérez, J.	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	91%
Pérez, V.M.	D	6	2	R	R	R	W*	R	R	W	R	-	-	75%	78%
Quirk	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	71%
Quirk-Silva	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	71%
Rendon	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	71%
Salas	D	5	3	R	R	R	W*	R	R	W	W	-	-	63%	63%
Skinner	D	6	1	R	R	R	-	R*	R	W	R	-	-	86%	95%
Stone	D	7	1	R	R	R	-	R	R	W	R	R	-	88%	88%
Ting	D	6	1	R	R	R	-	R	R	W	R	-	-	86%	86%
Torres	D	0	1	-	-	-	W*	-	-	-	-	-	-	67%*	75%
Wagner	R	2	6	R	R	W	-	W	W	W	W	W	-	25%	13%
Waldron	R	2	6	R	R	W	W*	W	W	W	W	-	-	25%	25%
Weber	D	5	2	R	R	R	-	W	R	W	R	-	-	71%	71%

Assembly Member	Party	Total Right Votes Cast	Total Wrong Votes Cast											2013 Score	Lifetime Score	
				AB 127 9/11/13 Floor	AB 140 9/11/13 Floor	AB 458 6/27/13 Floor	AB 462 4/10/13 G.O.	AB 890 5/30/13 Floor	AB 1220 5/28/13 Floor	AB 1409 9/12/13 Floor	SB 448 9/11/13 Floor	SB 556 6/25/13 Judiciary	Authorship			
Wieckowski	D	7	1	R	R	R	-	R	R	W	R	R	-	-	88%	91%
Wilk	R	2	5	R	R	W	-	W	W	W	W	-	-	-	29%	29%
Williams	D	6	1	R	R	R	-	R*	R	W	R	-	-	-	86%	93%
Yamada	D	6	1	R	R	R	-	R*	R	W	R	-	-	-	86%	94%

**Legend:**

R = Right, voted for consumers, or author of a CFC-supported bill that they did not get a chance to vote on

W\* = Present, did not vote - same as voting against consumers

R\* = Present, did not vote, same as voting in favor of consumers

W = Wrong, voted against consumers, or author of a CFC-opposed bill that they did not get a chance to vote on

- = Excused absence, not a member of committee, or not a member of the Assembly/Senate at the time the vote was cast

\*Norma Torres had votes counted in both the Assembly & Senate in 2013. Her 2013 percentage reflects votes from both houses.